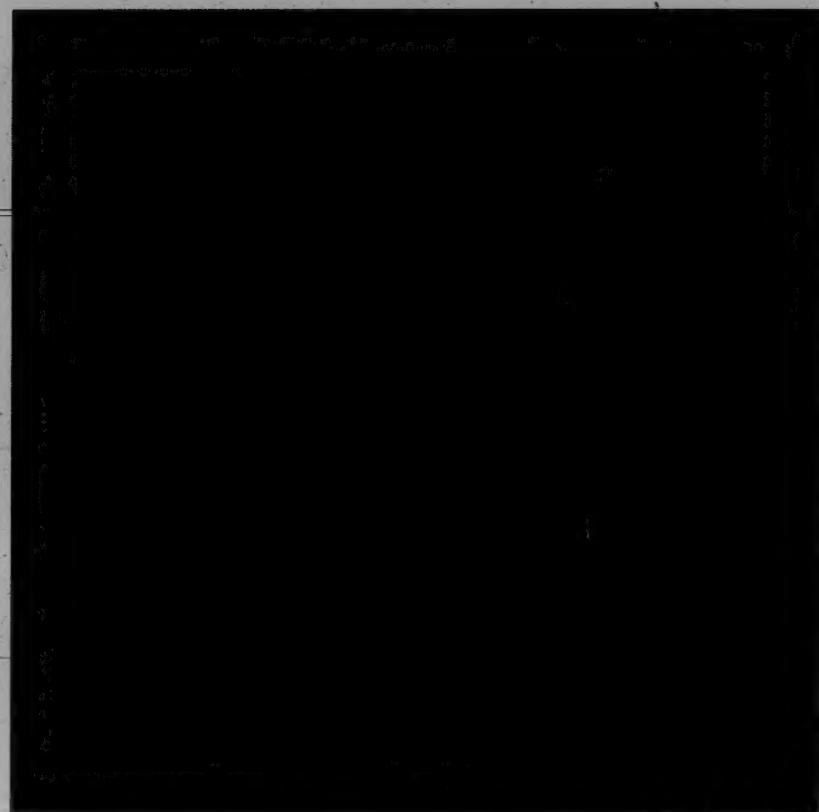
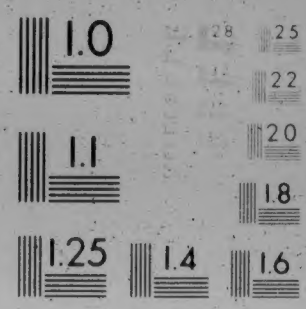
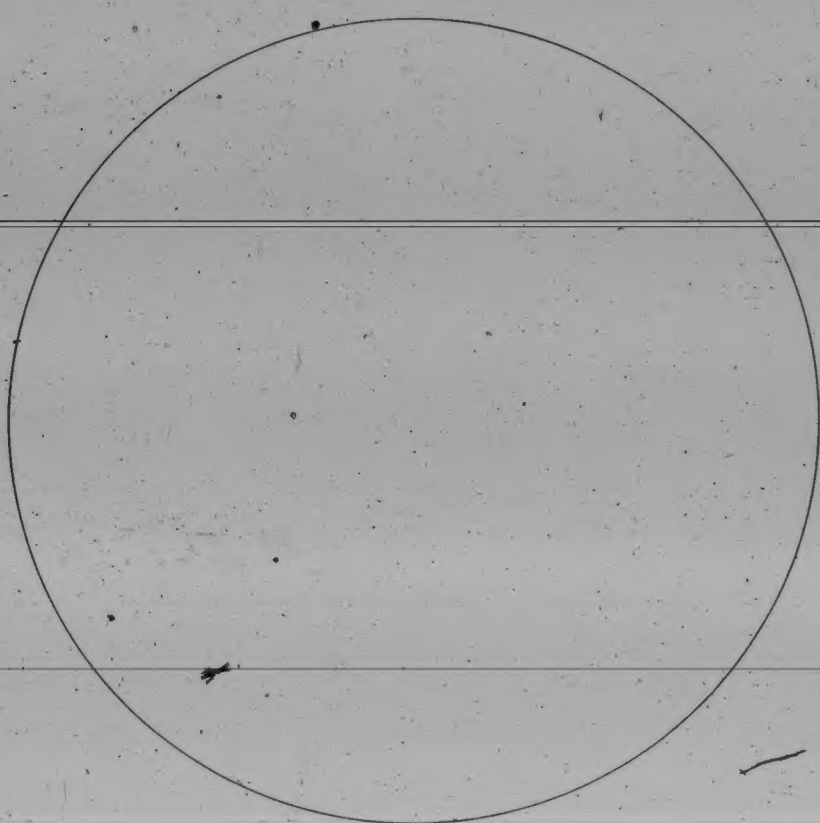
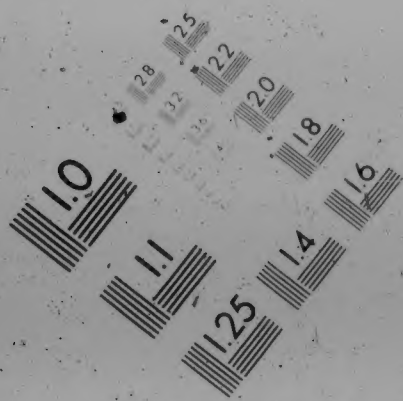
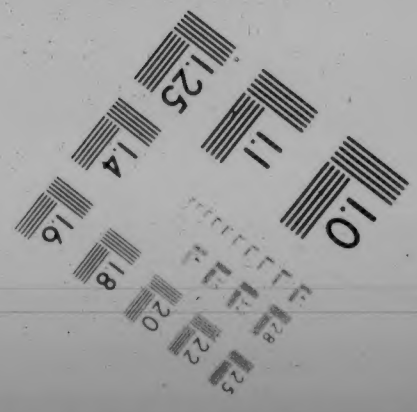
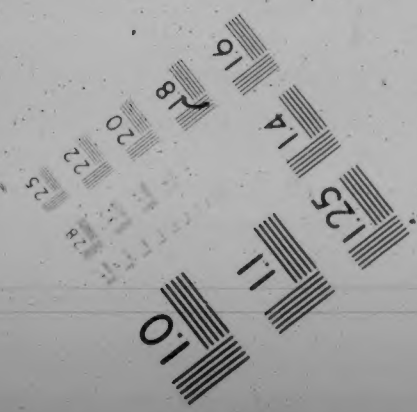
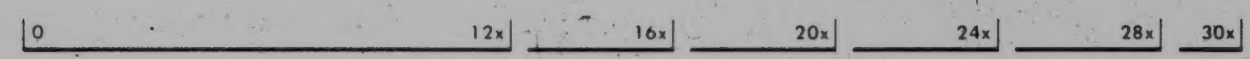


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**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

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APPLICAT IONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 119

MISSISSIPPI CHOCTAW MCR 2836 - MCR 2923

**THE NATIONAL ARCHIVES  
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**WASHINGTON: 1983.**

Choctaw MCR 2838

Andrew Tims

MCR 2838

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 2, 1901.

In the matter of the application of Andrew Tims for the identification of himself and six minor children as Mississippi Choctaws.

Andrew Tims, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Andrew Tims.  
Q What is your age? A Forty five years old last March.  
Q What is your post office address? A Collinsville, Mississippi.  
Q Where were you born? A Newton County.  
Q How long have you lived in Newton County? A Well, I don't remember; about fourteen years.  
Q ~~Now~~ Where did you live before that? A Neshoba County.  
Q How long did you live in Neshoba County? A About thirty years.  
Q All the rest of your life? A Yes sir.  
Q What is your father's name? A Tom Tims.  
Q Is he living? A No sir.  
Q What is your mother's name? A Mother's name, Delila.  
Q Is she living? A Dead.  
Q Through which one of these parents do you claim Choctaw blood?  
A Both.  
Q How much do you claim? A Half.  
Q How much Choctaw blood did your father have? A Half.  
Q And what was the other blood? A My mother was half.  
Q What was the other half of your father? A I don't know sir.  
Q Negro? A I reckon he was negro, I guess.  
Q There is no doubt about it is there? A No sir.  
Q What made you say you didn't know then? A Well, I wasn't thinking what you was talking about when you asked me what the other half was.  
Q Was your father a slave before the war? A Yes sir.  
Q And you say your mother was one half Choctaw? A Yes sir.  
Q And one half what else? A One half negro.  
Q A slave before the war? A Yes sir.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A No sir.  
Q What is your wife's name? A Missouri; she is dead.  
Q Was she a negro woman? A Yes sir.  
Q And a slave? A No sir.  
Q Now, have you any children under twenty one years of age and unmarried that you want to make application for? A I have got six.  
Q The oldest one? A Under age? is 19~~th~~ years old. Her name is Annie.  
Q What is the name of the next? A Evalina.  
Q How old is Evalina? A She is going on 17 years old.  
Q The next? A Fed.  
Q How old? A 14 years old.  
Q Boy? A Yes sir.

Andrew Tims, et al., #2.

- Q And the next? A Next one is named Alice.  
Q How old is she? A 12 years.  
Q Next? A Joe.  
Q A boy? A Yes sir; he is 9 years old.  
Q The next? A Sarah.  
Q How old? A Five years old.  
Q The next? A That's all.  
Q Six? A Yes sir.  
Q Was your wife, Missouri, the mother of these children? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Were you married to her by a minister under a license? A Yes sir.  
Q Have you your marriage license and certificate with you? A No sir.  
Q Is your name, or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of that tribe? A No sir.  
Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted, or your children, to citizenship in the Choctaw Nation, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this time to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled either for yourself or children as citizens of the Choctaw Nation? A No sir.  
Q Is this the first application of any kind you have ever made? A Yes sir.  
Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.  
Q Do you claim your rights as beneficiaries under the provisions of the Fourth Article of the Treaty of 1830? A Yes sir.  
Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.  
Q Can you give me the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama, and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians? A Yes sir. I can give my grand father's name.  
Q What was his name? A Billy Cubbee.  
Q Whose father was that? A My father's father.  
Q Billy Cubbee was your father's father? A Yes sir.  
Q What is your father's mother's name? A The father of my mother.  
Q No, your father's mother name? A My father's mother's name was Lettie.  
Q And Billy Cubbee was her husband? A Yes sir.  
Q What was their blood? A The woman was a negro, and my grand father was a full blood Indian.  
Q Can you give the names of your mother's father or mother? A My mother's father, - no sir, I don't remember.  
Q Can you give your mother's mother's name? A No sir.  
Q Then you can't give the names of any more? A No sir, my mother's mother, and her mother was Lettie.  
Q I asked you who Billy Cubbee's wife was, and you said Lettie?  
A Yes sir, that is his wife; Lettie was my grand mother and Billy



Andrew Tims, et al., #3.

Cubbee was my grand father.

Q You only know these two? A I know my aunts and uncles.

Q I want the direct line? A That's all I know.

Q Have you any proof that they were Choctaw Indians? A Yes sir.

Q Do you propose to introduce it later, or have you it with you now.

Q They were Choctaw Indians? A Yes sir.

Q You have no documentary proof of that fact? A No sir.

Q Do you think you could prove it more satisfactory to yourself if I gave you time in which to produce evidence? A Well, I don't know as I could make any better proof. I will ask for time.

Q I will give you time later.

Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation in Indian Territory with the other Indians between the years 1833 and 1838? A No sir, they never were there.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaw Indians then living in Mississippi, that they intended to stay in Mississippi and become citizens of the States? A Yes sir, I think they did.

Q How do you know that they did that, - seventy years ago; how do you know that your ancestors, Billy Cubbee, or his wife, or any other ancestors went to the Indian Agent and told him that they did not intend to go out there; you said they did? A I might have said that; I told you in the start none of them went there.

Q I said go to the Indian Agent in Mississippi and tell him that they did not want to go to the Indian Territory? A None of them went there.

Q How do you know they didn't go; you first said they did, and now you state they didn't; wasn't you trying to testify to something you didn't know anything about? A I didn't understand.

Q If you don't know, say you don't know, and if you do know, tell what you do know. Do you know whether they did go to the Indian Agent and tell him that they preferred to stay in Mississippi and not go to the Territory? A I don't know that they did that; I don't know anything about that.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the Treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A A little.

Q Can you carry on a conversation in Choctaw? A A little, not very far, though. I can't talk much ~~in~~ Indian.

Q Where did you learn what Choctaw you know? A I always had it in me. Talking with them and being with them.

Q Are there any additional statements you desire to make now in support of your application? A No sir, I reckon not.

Q You have no documentary evidence now to introduce? A No sir, I have none now.

Q Have you any proof showing that any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830, or that they ever complied or attempted to comply with the provisions of the Fourteenth Article of the treaty of 1830, or that they ever received any benefits under that article of that treaty? A No sir.

Q Would you like time in which to file this proof? A Yes sir.

Thirty days time is allowed applicant in which to file documentary proof in support of this application.

Andrew Tims, et al., #4.

(This applicant has the appearance of one descended from a mixed ancestry of negro and Choctaw blood, in which the negro blood seems to predominate. He has a smattering knowledge of the Choctaw language, but no knowledge of a compliance on the part of any of his ancestors with the provisions of the Fourteenth Article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and six minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*[Signature]*

Notary Public.



COPY

M.C.R. 2838

Muskogee, Indian Territory October 17, 1902.

Andrew Tims,

Collinsville, Mississippi.

Dear Sir:-

You are hereby advised that on the 17th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Handy Tims, et al., embracing the following applications for identification as Mississippi Choctaws:

Handy Tims, et al.,	M.C.R. 2309
John Tims, et al.,	M.C.R. 2383
Lela Goodman, et al.,	M.C.R. 2451
Christina Smith,	M.C.R. 2448
Mattie Hunter,	M.C.R. 2447
Andrew Tims, et al.,	M.C.R. 2838.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Handy Tims, Wiley Tims, Charley Tims, John Tims, Handy Tims (2), Lela Goodman, William J. C. Goodman, Christina Smith, Mattie Hunter, Andrew Tims, Annie Tims, Evalina Tims, Ned Tims, Alice Tims, Joe Tims and Sarah Tims as Choctaw Indians entitled to rights in the Choctaw lands

A. T. -2

under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 2838

Muskogee, Indian Territory, March 11, 1903.

Andrew Tims,

Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Handy Tims, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

(SIGNED)

*Tamie B. B. B.*  
Chairman.

*Andrew Tims, et al.*

REFUSED

DECISION RENDERED OCT 17 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 17 1902

NOTICE OF DECISION FORWARDED  
ATTORNEYS FOR APPLICANTS.

OCT 17 1902

NOTICE OF DECISION  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 17 1902

RECORD FORWARDED TO DEPARTMENT.

NOV -3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 24 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANT.

MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 11 1903

REFER TO M. C. R. 2309

#1661

No.

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name Andrew Tims

Age 45 - Blood  $\frac{1}{2}$

Post Office, Collinsville, Miss

Father: Tom Tims  $\frac{1}{2}$  Choctaw  $\frac{1}{2}$  neg. slave d

Mother: Belula  $\frac{1}{2}$  neg.  $\frac{1}{2}$  neg. slave d

Claims through both parents  
wife Missouri (d) negro.

Children: Annie 19

Evelina  
(EVALINA) 17

Fred 14 (boy)

Alice 12

Joe (boy) 9

Sarah 5

Claims for self  
and children.

Stenographer R. S. Thurst -

Choctaw MCR 2839

Margaret Scott

MCR 2839



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 2nd, 1901.

in the matter of the application of Margaret Scott for  
the identification of herself and two minor children as Mississippi  
Choctaw.

Margaret Scott, having been first duly sworn, upon her  
oath states as follows:

Examination by the Commission.

- Q What is your name? A Margaret Scott.  
Q What is your age? A Twenty two.  
Q What is your post office address? A Whitfield, Alabama.  
Q Where were you born? A Sumter County, Alabama.  
Q How long did you live in Sumter County, Alabama? A Been living there ever since I was born.  
Q Always lived in the same county? A Yes sir.  
Q What is your father's name? A Ben Scott.  
Q Living? A Yes sir.  
Q What is your mother's name? A Eliza Scott.  
Q Living? A Yes sir.  
Q Through which one of your parents do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A Half.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, or the United States authorities, in Indian Territory? A Never went out there.  
Q Therefore, he was never enrolled out there? A No sir.  
Q Are you married? A No sir.  
Q Have you any children you want to make application for? A Yes sir.  
Q What is the name of the oldest? A Jennie Scott.  
Q How old is Jennie? A Two years old.  
Q The next? A Wilburn.  
Q How old is Wilburn? A Eight months old.  
Q Who is the father of these children? A Colonel Young.  
Q Who is Colonel Young? What is his full name? A, Just Colonel Young.  
Q Where does he live? A In Sumter County.  
Q Does he live at Whitfield? A No sir, he stays at the line of Choctaw.  
Q You don't know his post office? A No sir.  
Q What was his blood? A He was colored; I don't know sir.  
Q Did you ever see him? A Yes sir; he is part Indian and part negro.  
Q Is that right? A Yes sir; he is part Indian.  
Q Well, do you claim Choctaw blood for these children through your ancestry? A Yes sir.  
Q Do you claim any Indian blood for them through their father? A I don't know sir.  
Q Then you were not married to this man, Colonel Young? A No sir.  
Q Is your name, or the names of your child, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Margaret Scott, et al., #2.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled, for yourself and children, as members of that tribe? A No sir.

Q Did you, or any one for you, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship, with your children, in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have made for yourself or children? A Yes sir.

Q Is it now your purpose to make application for yourself and them for identification as Mississippi Choctaws? A Yes sir.

Q Do you make this claim for yourself and children as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi in 1830, and who lived in Mississippi or Alabama at that time, when the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw tribe of Indians? A Yes sir; I can give the name of my grand mother.

Q On your father's side? A Yes sir.

Q What was her name? A Ann Scott.

Q Can you give your father's father's name? A No sir.

Q Can you give the name of any other ancestor of your father?

A Yes sir. His grand mother was named Polly Scott.

Q Do you remember what his mother's father's name was? A I think he was named George.

Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir.

Q Do you know whether they were full blood Indians? A No sir.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors, if they did not go at that time, within six months after the treaty of 1830 was ratified, signify to the United States Indian Agent in Mississippi their intention to remain in Mississippi and become citizens of the United States?

A I don't know sir.

Q Did any of your ancestors claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know.

Q Do you speak Choctaw? A No sir.

Q Is there anything further you want to say in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any

Margaret Scott, et al., #3.

other papers showing that any of your ancestors were, in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth article of that treaty or ever received any benefits thereunder? A No sir.  
Q Would you like time in which to introduce written or other testimony in support of this application that you make? A

A.W. Trotter, attorney for applicant, asks leave to file documentary evidence in thirty days from the date of this application.

Permission is granted to the attorney for the applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant has the appearance of one descended from a mixed ancestry of negro and Choctaw blood. She claims to be one half Choctaw. Her father, who appeared before the Commission, and who is before the Commission at the time this description of this applicant is given, claimed to be a full blood Choctaw, and appeared to be as he claimed. His daughter has evidence of Choctaw blood, and it would seem from all appearances that she had the quantity claimed in this application. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.)

(Applicant excused,) and

Dempsey Drake, having been called and first duly sworn as a witness in behalf of this applicant, testified as follows:

Examined by the Commission.

Q What is your name? A Dempsey Drake.  
Q Where do you live? A I live down in Sumter County, Alabama.  
Q How long have you lived there? A I have been there, well, I might say nearly raised there.  
Q What is your occupation? A Farming.  
Q What is your age? A My age -- I will be fifty three years of age the third night of next November.  
Q What do you claim to be, white man, Choctaw or negro? A Choctaw.  
Q Full blood? A I couldn't say whether I was a full blood or not; my father was a full blood.  
Q Are you acquainted with Margaret Scott? A Yes sir.  
Q How long have you been knowing Margaret Scott? A I have been knowing them since children.  
Q How old is Margaret now? A Well, you see I couldn't tell you exactly.  
Q Well, is she an old woman or a young girl? A She is a girl.  
Q About how old do you think she is? A She is somewhere, I reckon about eighteen or twenty; somewhere along there.  
Q Do you know whether she has any Choctaw Indian blood? A Yes sir, she has Choctaw Indian blood.

Margaret Scott, et al., #4.

Q How do you know it? A She gets it from her fore parents, I should think.

Q Well who? A Well, his father -

Q Whose father? A Her father, Ben Scott, I 'll tell you, so far as I know his mother was a full Indian.

Q Did you know her? A I knew her just like I would see her passing.

Q She was a full blood Indian, his mother? A Yes sir.

Q What about his father? A I couldn't remember his father; I saw his mother.

Q Ben Scott, the father of this girl, is he a full blood Indian, or not? A Well, I couldn't say that he was, but he looks full.

Q Do you know anything more about Margaret Scott's Choctaw parentage?

A No sir, no more than I told you.

Q No more than that you know her father, and that you knew her father's mother? A Yes sir.

Q And that you claim she was a full blood Indian, or looked it?

A Yes sir.

(Witness excused, and applicant re-called.)

The decision of the Commission as to the application you make at this time for the identification of yourself and two minor children as Mississippi Choctaws, will be determined at the earliest possible date, and a report of the same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi  
this 3rd day of August, 1901.

*R. S. Streit*  
Notary Public.

COPY.

Muskogee, Indian Territory, July 29, 1904.

Margaret Scott,

Whitfield, Alabama,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including you and your two minor children, Jennie Scott and Wilburn Scott.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 2839

Muskogee, Indian Territory, November 1, 1904.

Margaret Scott,

Whitfield, Alabama.

Dear Madam:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of yourself and two children, Jennie Scott and Wilburn Scott, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

Commissioner in Charge.



*Margaret Scott, et al*

DECISION RENDERED JUL 29 1904

REFUSED. JUL 29 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS. JUL 29 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS. JUL 29 1904

RECORD FORWARDED DEPARTMENT.  
AUG 15 1904

R. 2 31

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name Margaret Scott

Age 22 Blood  $\frac{1}{2}$

Post Office, Whitfield, Ala

Father: Ben Scott, - l.

Mother: Eliza " l

Claims through father

Children: Jennie Scott 2  
Wilburn " 8 m.

father of them ill-  
igimate children is  
Colonel Young <sup>neg. &</sup> Ind.  
Claims for self &  
children

Enographer RS Smith

Choctaw MCR 2840

Dempsey Drake

MCR 2840

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Dempsey Drake, et al., for identification as Mississippi Choctaws, M C R 2840.

List of papers forwarded to Secretary of the Interior  
comprising the record in above entitled case.

Original application of Dempsey Drake  
et al., to the Dawes Commission for  
identification as Mississippi Choctaws..... 1

Testimony of Ben Scott.....3

Decision of the Commission refusing the  
application of Dempsey Drake, et al., for  
identification as Mississippi Choctaws..... 5

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 2, 1901.

In the matter of the application of Dempsy Drake for the identification of himself and six minor children as Mississippi Choctaws.

Dempsy Drake, having been first duly sworn, upon his oath states, as follows:

Examination by the Commission.

- Q What is your name? A Dempsy Drake.  
Q What is your age? A Fifty four.  
Q What is your post office address? A Whitfield, Alabama.  
Q Where were you born? A I was born at Old Town, Mississippi, and moved down to that part of the section, in Whitfield, Alabama.  
Q How long have you lived there? A Ever since, nearly, during the war.  
Q You never lived in any other states except Mississippi and Alabama? A No sir.  
Q And have been in Whitfield since the war? A Yes sir.  
Q What is your father's name? A He was named Johnson, Indian Johnson.  
Q Is he living or dead? A Dead.  
Q What is your mother's name? A Ruthie.  
Q Johnson? A She went by the name of her owner; she went by the name of Ruthie Drake.  
Q Is she living? A No sir, been dead ten years.  
Q Through which one of these parents do you claim Choctaw blood?  
A Mother. No - father.  
Q How much do you claim? A That would make me about half wouldn't it.  
Q That is for you to say. Do you claim Indian Johnson, your father, was a full blood Indian? A Yes sir.  
Q Choctaw Indian? A Yes sir.  
Q Was he a slave before the war? A No sir, he wasn't a slave at all.  
Q Was your mother a slave before the war? A Yes sir.  
Q Was she a negro woman? A Yes sir.  
Q Were you a slave before the war? A Yes sir.  
Q Were your father and mother married? A I don't know away long back whether they were married or not at that time. All I can remember is what mother told me after I come some size.  
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities, in Indian Territory? A I don't know sir.  
Q What is your wife's name? A My wife's named Lizzie Drake.  
Q Is she a negro? A Yes sir.  
Q Make claim for her? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.  
Q Give me the names now? A Fronie Drake.

Dempsey Drake, et al., #2.

Q How old? A She is about 14 years old.

Q The next? A Mandy.

Q How old? A 13.

Q The name of the next? A Angeline; she is about eight.

Q The next? A Jake, 6.

Q The next? A Sallie; 5.

Q The next? A Viola 4.

Q Is that all? A That's all.

Q Is Lizzie the mother of these children? A Yes sir.

Q Are you the father? A Yes sir.

Q Were you married to her by a license? A Yes sir.

Q And by an ordained minister? A By a justice of the peace.

Q Have you your marriage license and certificate with you? A No sir.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children

as members of the Choctaw tribe? A No sir.

Q Did you, or any one for you, or for your children, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation, or your children, by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or the United States Court for Indians Territory? A No sir.

Q Did you ever make application before this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this the first application you have made of any kind? A Yes sir.

Q Do you wish to be identified as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries under the provisions of article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name or names of your ancestors who were residents of the old Choctaw nation in Mississippi and Alabama in 1830, and who were at that time recognized members of the Choctaw tribe of Indians, when the treaty of Dancing Rabbit Creek was ratified between the United States and the Choctaw tribe of Indians? A No sir.

Q Can you give the name of any of your grand fathers or grand mothers? A No sir.

Q Did any of your ancestors, if Choctaw Indians, remove from the Territory occupied by the Choctaw nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians between 1833 and 1838? A No sir.

Q If they did not remove with the other members of the tribe, did they within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A I don't know sir.



Dempsey Drake, et al., #3.

Q Have any of your ancestors ever claimed or received any land in Mississippi under article 14 of the treaty of 1830? A Not as I knows of.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce documentary evidence in support of this application? A

A.W. Trotter, attorney for the applicant, asks leave to file documentary evidence in support of this application within a period of thirty days from this date.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(Applicant excused.)

Ben Scott, having been first duly sworn, upon his oath testified in behalf of the above named applicant, as follows:

Examined by the Commission.

Q What is your name? A Ben Scott.

Q What is your age? A Fifty four years old.

Q Where do you live? A Sumter County, Alabama.

Q Do you know Dempsey Drake? A Yes sir.

Q What is your occupation? A Farming.

Q What do you claim your blood to be? A Choctaw -- full blood Choctaw.

Q You say you know Dempsey Drake? A Yes sir.

Q What can you say as to his being possessed of Choctaw blood?

A Well, his mother and father lived together as man and wife.

Q Well what were they? A His father was a full blood Indian.

Q What was his mother? A Negro.

Q A slave? A Yes sir.

Q Do you know whether, as a matter of fact, they were married?

A Well, as a matter of course, in slavery times they didn't marry; they just went together and stayed.

Q Did they live together after the emancipation? A He was dead.

Q How do you know his father was a full blood Choctaw Indian? A That is what he went by, and his features.

Q Could he talk the Choctaw language? A Oh! yes sir; he could talk it.

Dempsey Drake, et al., #4.

Q Is this man reputed to be a full blood or a half blood? A He claims to be half.

Q But what do the neighbors think about it? A They think he is half too.

Q Did you ever hear any of them say they thought he was half blood? A Yes sir.

Q You say they lived together as man and wife? A Yes sir.

Witness excused, and applicant re-called.)

(This applicant has the appearance of a person descended from a mixed ancestry of negro and choctaw blood. The negro seems to predominate; his manner of talking and other characteristics show that he has lived among negroes all of his life, and not among Choctaw Indians. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of fourth article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*  
*[Signature]*  
Notary Public.

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COPY.

*Cow.*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Dampy Drake et al.,  
for identification as Mississippi Choctaws, N - S - R - 2040.

||- D E C I S I O N -||

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Dampy Drake for himself and his six minor children, Frenie, Nandy, Angeline, Jake, Gallie and Viola Drake, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation and was himself a slave, and that the minor applicants

herein are his lineal descendants, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Dempsey Drake, Fronie Drake, Mandy Drake, Angeline Drake, Jake Drake, Sallie Drake and Viola Drake as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tamm Drake  
Acting Chairman

T. F. Needles  
Commissioner

J. L. ...  
Commissioner

Muskogee, Indian Territory

DEC. 5 1902

Muskogee, Indian Territory, December 5, 1902.

A. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dempsey Drake, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Dempsey Drake, Fronie Drake, Mandy Drake, Angeline Drake, Jake Drake, Sallie Drake and Viola Drake as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

A. V. T. 10-2.

That the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*James Bixby.*

Acting Chairman.

Register.

COPY.

M.C.R. 2840

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McFurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dempsey Drake, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Dempsey Drake, Fronie Drake, Mandy Drake, Angeline Drake, Jake Drake, Sallie Drake and Viola Drake as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Y. ANN DRAUG.

Acting Chairman.

COPY.

M.C.R. 2840

Muskogee, Indian Territory, December 5, 1902.

Dempsey Drake,

Whitfield, Alabama.

Dear Sir:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dempsey Drake, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Dempsey Drake, Fronie Drake, Mandy Drake, Angeline Drake, Jake Drake, Sallie Drake and Viola Drake as such should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to



D.D.-----2.

the Secretary of the Interior through the Commissioner of Indian  
Affairs.

Respectfully,

SIGNED.

*James Bixby.*

Acting Chairman.

Register.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of  
Dempsey Drake, et al., applicants to the Commission for identifica-  
tion as Mississippi Choctaws, including the decision of the Commis-  
sion of December 5, 1902.

The Commission has the honor to report that the principal  
applicant herein, his attorney of record, and the attorneys for  
the Choctaw and Chickasaw Nations have been duly advised by letter  
of the action of the Commission, copies of said letters being at-  
tached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Acting Chairman.

Enc. M.C.R. 2840

M.C.R. 2840

Muskogee, Indian Territory, January 2, 1902.

Dempsey Drake,

Whitefield, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th ultimo, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

You give the names of certain persons whom you claim know that you are part Choctaw Indian, and make certain statements regarding your Choctaw descent.

In reply to your letter you are informed that the fifteen days from December 5, 1902, heretofore granted you within which to file argument in support of your claim, expired on December 21, 1902. On December 22, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior.

You will be duly notified of any action taken by him.

Respectfully,

Acting Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land  
73256-1902.

WASHINGTON,

February 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record of the Commission to the Five Civilized Tribes, in the matter of the application of Dempsey Drake, for himself and his six minor children, Fronie, Mandy, Angeline, Jake, Sallie and Viola, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Indian Johnson, the principal applicant's father, it being claimed that Indian Johnson was a Choctaw Indian, but it is not claimed he lived in the Choctaw Nation, in Mississippi in 1830. The applicants do not know the name of their ancestor who lived in the Choctaw Nation in 1830, nor if any ancestor complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejected the applicants December 5, 1902, because it appears from the testimony that the principal applicant was born of a slave mother prior to the Emancipation Proclamation and was himself a slave, and that the minor applicants herein are

his lineal descendants"; and for the additional reason that the applicants themselves have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made, with reference to the name of Indian Johnson, and it is discovered that although several Johnsons appear among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, there is no Indian Johnson, and the evidence herein is insufficient to identify him with any of the Johnsons that appear on our records.

It is therefore evident that the decision of the Commission rejecting the parties hereto is correct, and I concur in that finding and recommend<sup>its</sup> approval.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

G.T.C. (B.)

(COPY)

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

J.W.H.  
FHE.

D.C.14932  
I.T.D. 1862-1903.

May 15th, 1903.

L.R.S

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Dempsey Drake (M C R 2840), for himself and his six minor children, Fronie, Mandy, Angeline, Jake, Sallie and Viola Drake, including your decision of December 5, 1902, denying their applications.

The principal applicant, Dempsey Drake, through whom the others claim, is an one-half blood Choctaw and an ex-slave, who was born at Old Town, Mississippi in 1847, and moved from there to Whitfield, Alabama. His father, now deceased, was a full blood Choctaw named Johnson. The mother of the principal applicant was a slave.

You denied the application of these parties, stating that the principal applicant was born of a slave mother prior to the Emancipation Proclamation; that he was himself a slave; that the other applicants are his lineal descendants and that in your opinion, under the Curtis act, no freedman is entitled to identification as a Mississippi Choctaw.

Reporting in the matter February 16, 1903, the Acting Commissioner of Indian Affairs stated that

"An examination of the records of this office has been made, with reference to the name of Indian Johnson, and it is discovered that although several Johnsons appear among those who complied or attempted to comply with the provisions of the 14th article of the Chestaw treaty of 1830, there is no Indian Johnson, and the evidence herein is insufficient to identify him with any of the Johnsons that appear on our records,"

and recommended that your action be approved.

Although at the time of his hearing the principal applicant was unable to furnish the name of his parents or more remote ancestors, yet it appears that one of the witnesses in the case, viz: Ben Scott, was acquainted with the applicant's father, but that no attempt was made to learn from him the names of the latter's parents, and it is not considered impossible that the applicant could furnish further information relative to his ancestors if afforded an opportunity so to do. Before passing upon these applications, the Department deems that further information should be obtained if possible, relative to the ancestry of said applicants. You are therefore directed to allow these applicants thirty days, and such extension thereof as may be reasonable, in which to furnish additional testimony in support of their claims, by witnesses appearing personally, before you, or in the form of depositions taken in accordance with your rules, or in the form of affidavits properly executed. In so doing, you are requested to explain to the principal applicant the meaning of article 14 of the treaty of September 27, 1830, and to inform him that in said year, there were several persons of the name of Johnson who

as heads of families complied with the provisions of said article for themselves and for their children, and that it will be necessary for him, in order to establish his claim, to show that his father, Indian Johnson, or some more remote ancestor, was identical in person with some one of the parties referred to above who received land under said article 14. You will also advise him that he should, for purposes of comparison, furnish additional testimony relative to his father and his father's parents, showing as nearly as possible, their Choctaw as well as their English names, also the names and number of the persons who composed their families, the dates and places of the birth and death of said ancestors, and their place or places of residence.

The case is remanded to you for appropriate action in accordance with the instructions herein contained. The record in the case is returned, together with a copy of the Acting Commissioner of Indian Affairs' letter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2 inclosures.



Muskogee, Indian Territory, May 26, 1903.

A. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 15, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the Mississippi Choctaw case of Dempsey Drake, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"The principal applicant, Dempsey Drake, through whom the others claim, is an one-half blood Choctaw and an ex-slave, who was born at Old Town, Mississippi in 1847, and moved from there to Whitfield, Alabama. His father, now deceased, was a full blood Choctaw named Johnson. The mother of the principal applicant was a slave.

Reporting in the matter February 16, 1903, the Acting Commissioner of Indian Affairs stated that 'An examination of the records of this office has been made, with reference to the name of Indian Johnson, and it is discovered that although several Johnsons appear among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, there is no Indian Johnson, and the evidence herein is insufficient to identify him with any of the Johnsons that appear on our records.'

In the year 1830 there were several persons of the name of Johnson who as heads of families complied with the provisions

A W T 2

of article 14 of the treaty of 1830 for themselves and for their children, and it will be necessary for the principal applicant, Dempsey Drake, in order to establish his claim, to show that his father, Indian Johnson, or some more remote ancestor, was identical in person with some one of the parties referred to above who received land under said article 14.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
  - 3rd. Their Choctaw as well as their English names.
  - 4th. The names and number of the persons who composed their families.
  - 5th. The names of their neighbors and immediate associates,
- and that for the purposes of comparison, testimony of like character, including the dates and places of birth and death of the principal applicants father and his father's parents, should be furnished relative to the applicants' ancestors.

A W T 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, June 25, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case. In the event that the applicant's witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules is herewith enclosed.

Respectfully,

Commissioner in Charge.

R & R Dep  
Registered.

Muskogee, Indian Territory, May 26, 1903.

Dempsey Drake,

Whitfield, Alabama.

Dear Sir:

The Secretary of the Interior with his letter of May 15, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"The principal applicant, Dempsey Drake, through whom the others claim, is an one-half blood Choctaw and an ex-slave, who was born at Old Town, Mississippi in 1847, and moved from there to Whitfield, Alabama. His father, now deceased, was a full blood Choctaw named Johnson. The mother of the principal applicant was a slave.

Reporting in the matter February 16, 1903, the Acting Commissioner of Indian Affairs stated that 'An examination of the records of this office has been made, with reference to the name of Indian Johnson, and it is discovered that although several Johnsons appear among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, there is no Indian Johnson, and the evidence herein is insufficient to identify him with any of the Johnsons that appear on our records,'"

The fourteenth article of the treaty of 1830 is as follows:

D D 2

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article was put into the treaty for the benefit of the Choctaws who desired to stay in Mississippi and not move to the new country west of the Mississippi river. By the provisions of the 14th article they were entitled to land in Mississippi upon their fulfilling certain conditions in that article. One of these conditions was that within six months from the time this treaty was ratified, they should signify to the United States Indian Agent their intention to remain in Mississippi and take land under the 14th article. Each Choctaw head of a family was then entitled to a reservation of one section of land; for each unmarried child in his family one half section; and each child under ten years of age a quarter section. These Indians were required to live on said land for five years after February 24, 1831, the date the treaty was ratified. Said article further provided that persons who

D D 5

claimed under it, that is, persons who at that time preferred to stay in Mississippi and take advantage of its provisions by taking land and living on it for five years, should not lose the privilege of a Choctaw citizen, but if they ever went out to the country west of the Mississippi river, now occupied by the Choctaw tribe, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity was money paid annually by the United States government to the Indians.

In the year 1830 there were several persons of the name of Johnson who as heads of families complied with the provisions of article 14 of the treaty of 1830 for themselves and for their children, and it will be necessary for you, in order to establish your claim, to show that your father, Indian Johnson, or some more remote ancestor, was identical in person with some one of the parties referred to above who received land under said article 14.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

D D

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purposes of comparison, testimony of like character, including the dates and places of birth and death of your father and his parents, should be furnished relative to the applicants' ancestors.

In accordance with the instructions above referred to, you are hereby advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, June 25, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case. In the event that your witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules is herewith enclosed.

Respectfully,

R & R Dep  
Registered

Commissioner in Charge.

M C R 2840

Muskogee, Indian Territory, May 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 16, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Dempsey Drake, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, June 25, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On December 22, 1902, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Dempsey Drake, et al., together with its decision of December 5, 1902, refusing the application made by Dempsey Drake for the identification of herself and minor children as Mississippi Choctaws.

With departmental letter of May 15, 1903 (I T D 1862-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on May 26, 1903, notified the principal applicant, Dempsey Drake, and her attorney of record, A. W. Trotter, that she would be allowed up to and inclusive of Thursday, June 25, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants, and no additional evidence having been offered by them,

-3-

the original record in said case, together with copies of notices furnished the principal applicant, her attorney, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

McM 31

(COPY).

DEPARTMENT OF THE INTERIOR,

J.W.H.  
F.H.K.

WASHINGTON, November 24, 1903.

D.C. 33016.  
I.T.D. 8218-1903.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:-

The Department is in receipt of your report of October 29, 1903, resubmitting the case involving the application for identification as Mississippi Choctaws of Dempsey Drake (C.C.N. 2840), for himself and his six minor children, Fronie, Mandy, Angeline, Jake, Sallie and Viola Drake.

Your decision in this matter was rendered December 5, 1902, in which you refused to identify the applicants as Mississippi Choctaws. Under date of May 15, 1903, the Department remanded the case to you with instructions to afford the applicants an opportunity to introduce additional testimony in support of their claims.

It seems that the principal applicant, Dempsey Drake, through whom the others claim, is an one-half blood Choctaw and an ex-slave. He was born at Old Town, Mississippi, in 1847, and moved from there to Whitfield, Alabama. His father, now deceased, was a full blood Choctaw named Indian Johnson. The mother of the principal applicant was a slave.

Reporting in the matter February 16, 1903, the Acting

Commissioner of Indian Affairs stated that an examination had been made of the records of the Indian Office with reference to the name of Indian Johnson, from which it appeared that there were several Johnsons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, but that the name of Indian Johnson was not found among the names of those who so complied. The Acting Commissioner concluded that the evidence contained in the record was insufficient to identify the ancestor of these applicants with any of the Johnsons whose names appear upon the records of the Indian Office.

It further appears that in accordance with the instructions contained in departmental letter of May 15, 1903, you advised the applicants that they would be allowed to furnish additional testimony in support of their claims, and that they failed to appear, either in person or by attorney, or to file any additional testimony in support whatever of their applications.

Reporting in the matter November 16, 1903, the Commissioner of Indian Affairs recommends that your original <sup>decision</sup> in this case, refusing to identify the applicants, be approved. A copy of said letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 16, 1903.

Land.  
70,933-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, for your consideration, a letter of the Commission to the Five Civilized Tribes, of the 29th ultimo, saying that on December 2, 1902, the commission transmitted to the Department the record in the Mississippi Choctaw case of Dempsey Drake et al., together with its decision of December 5, 1902, refusing the application made by Dempsey Drake for the identification of herself and — minor children as Mississippi Choctaws.

With Department letter of May 15, 1903--I.T.D. 1862-1903-- the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce evidence. In accordance with the instructions of the Department, the commission on May 26, 1903, notified the principal applicant, Dempsey Drake, and her attorney of record, A. W. Trotter, that she would be allowed up to and inclusive of Thursday June 25, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and — minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants up to and inclusive of October 29, 1903, and no additional evidence having been offered by them, the original record in this case together with copies of the notices furnished the principal applicant, her attorney and the attorneys for the Choctaw and Chickasaw Nations, is therefore transmitted by the commission.

In the original case Dempsey Drake claimed to derive her Choctaw ancestry from her father who was called Indian Johnson. She was unable to give the name of a Choctaw ancestor more remote than her father. She was also unable to state whether her Choctaw ancestors of 1830 claimed or received land under the provisions of the Choctaw treaty of that year, saying that her ancestors did not receive any benefits whatever under the provisions of the 14th article. The case was remanded for further hearing because of the fact that there was a beneficiary under the provisions of the 14th article of the Choctaw treaty whose name was Johnson, but who had no surname. The applicants having been accorded full opportunity to be heard and having failed to appear or show cause why the conditions imposed by the commission were impossible of fulfillment, and the record in the original case being insufficient to prove their descent from a 14th article Choctaw, it is my opinion that the original decision of the commission rejecting the applicants should be approved, and I so recommend.

Very respectfully,

W.A. Jones,

Commissioner.

(E.B.H.)P.

M.O.R. 2840.

COPY.

Muskogee, Indian Territory, December 5, 1903.

Manesfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Dempsey Drake et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

*Tams Bixby.*  
Chairman.



N.C.R. 2840.

COPY.

Muskogee, Indian Territory, December 5, 1903.

A. W. Trotter,  
Attorney-at-Law,  
Starkuta, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Dempsey Drake et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

*Tamo Pixby.*  
Chairman.

K.C.R.2840.

COPIES.

Muskogee, Indian Territory, December 5, 1903.

Dempsey Drake,  
Whitfield, Alabama.

Dear Sir:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Dempsey Drake et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

*Tamo Birby.*  
Chairman.

M C R 2840

Muskogee, Indian Territory, January 11, 1904.

Dempsey Drake,  
Whitfield, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask "Is there any chance to have my application for an allotment reconsidered?"

In reply you are informed that on November 24, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on December 5, 1903.

The Commission now considers your case closed, and has no authority to consider your claim any further. The only way whereby you might secure a rehearing in your case, would be through a motion filed with the Secretary of the Interior.

You are further advised that motions for rehearsings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted

D D 2

to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the parties in interest, setting forth by what testimony they expect to establish their claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said wit-

D D S

nesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Commissioner in Charge.

#1063

No

25-10

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name *Nempsey Drake*

Age . 34 Blood  $\frac{1}{2}$

Post Office, *Whitfield, Ala.*  
*full b. (d.)*

Father: *Indian Johnson,*  
*(Shaw negro)*

Mother: *Ruthie Drake, d.*

Claims through *father,*  
*wife*

*Lizzie — negro*

*No claim for wife*

Children: *Fronie — 14*

*Mandy 13*

*Angeline 8*

*Tate 6*

*Sallie 5*

*Viola 4*

*Claims for each*

*& children*

Stenographer

*R. J. Strick*



Choctaw MCR 2841

Jefferson D. Rogers

MCR 2841



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 2, 1901.

In the matter of the application of Jefferson Rogers, for the identification of himself and three minor children as Mississippi Choctaws.

Jefferson Rogers, having been first duly sworn upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Jefferson Rogers.  
Q What is your age? A Thirty nine years old.  
Q What is your post office address? A Nittayuma, Mississippi.  
Q How long have you lived in Nittayuma, Mississippi? A Since '78.  
Q Where were you born? A Smith County, Mississippi.  
Q Have you lived in Mississippi all your life? A Yes sir.  
Q In what county first? A Smith County.  
Q And then what county? A Sharkey.  
Q Then what? A I live there now.  
Q What is your father's name? A John M. Rogers.  
Q Is he living? A He is living, yes.  
Q What is your mother's name? A Lucinda Rogers.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim Choctaw blood?  
A Mother.  
Q How much do you claim? A She claims --  
Q You claim? A I claim 1/8.  
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as on the Choctaw tribal rolls by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A No sir, I think not.  
Q Are you married? A Yes sir, my wife is dead.  
Q What was her name? A Her name was Addie B. Her name was Elliott before I married her.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir, three.  
Q The oldest one? A Fannie, fifteen years old.  
Q What is the name of the next? A George, fourteen.  
Q What is the name of the next? A Chester.  
Q Has George a middle initial? A Yes sir, Washington.  
Q Has Chester a middle initial? A Yes sir.  
Q What is it? A Roy.  
Q How old is Chester R.? A Nine.  
Q Is that all? A Yes sir.  
Q Was Addie B. Rogers the mother of these children? A Yes sir.  
Q You are the father? A Yes sir.  
Q Are they living with you at your home? A Yes sir.  
Q Have you your marriage license and certificate with you? A No sir; I haven't; I can get them out there at home.  
Q

Jefferson Rogers, et al., #2.

Q Is your name or the name of your children on any of the Tribal roll of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of the Choctaw tribe? A No sir.

Q Did you or any one for you, or your children, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation, or your children, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Is this the first application of any kind you have ever made?

A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws? A Yes sir.

Q Do you make this claim as beneficiaries for yourself and children under Article 14 of the Treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir, not as I know of.

Q Can you give the name of names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi and Alabama and residents of the Choctaw Nation in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was made? A No sir, I can't only what I have heard through my mother.

Q Give me the name of any of your ancestors of whom you have heard? A I have heard her speak of Rasha, Manta Hall and Tandy Walker.

Q Did you ever hear your mother tell you who her father was? A Yes sir, his name was Womack.

Q Your mother told you that her father's name was Womack? A Yes sir.

Q Is that an Indian name? A I don't know sir.

Q You claim one eighth, your mother would claim one quarter; and her father would claim one half A Yes sir.

Q Did your mother tell you that her father Womack was an Indian and a recognized member of the tribe? A Yes sir.

Q Have you any proof that he was, except family tradition? A Yes sir.

Q In what form will you introduce it? A I have affidavits and sworn affidavits.

Q Can you give the names of any other of your ancestors besides Womack? A No sir, I left that country when I was fourteen or fifteen years old, or sixteen.

Q Do you think if time is allowed, --A I only know what I have heard.

Q You think if the time is allowed you in which to introduce documentary evidence, you can furnish proof? A Yes sir, I can introduce affidavits, but so far as swearing to it myself, I couldn't do it.

Q Did your ancestors, if Choctaw Indians remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the tribe between the years 1835 and 1838?

Jefferson Rogers, et al., #3/

A No sir, my grand father didn't; he stayed in Smith County; he died there.

Q Did any of your ancestors, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaws living in Mississippi at that time, that they intended to stay in Mississippi and not go to the Territory and wanted land in Mississippi and intended to become citizens of the United States?

A I don't know; I couldn't say about that; he stayed there and owned land there.

Q Have any of your ancestors ever claim or received any land in Mississippi as from the United States Government as beneficiaries under article 14 of the treaty of 1830? A I think not, no sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you desire to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the fourteenth article of that treaty or ever received any benefits thereunder? A

Hudson and Arnold, attorney for applicant, ask leave to file documentary evidence in support of this application.

Permission is granted to the attorney for applicant to file documentary evidence in support of this application within a period of thirty days from this date.

(This applicant has the appearance and characteristics of a person descended from white ancestry; he does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of 14th article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and three minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

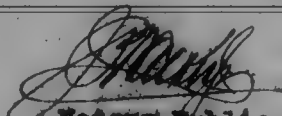
R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause

Jefferson Rogers, et al., vs.

on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. J. Street

Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of 2nd August 1901.

  
Notary Public.

M.C.R. 2841

COPY

Muskogee, Indian Territory, February 13, 1903.

Jefferson Rogers,  
Nittayuma, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen C. Royals,	M.C.R. 4597
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robt G. Rogers, Hilda C. Rogers, Julia M. Rogers, Edna M. Austin, Edna Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals,

Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tame Smith*  
Acting Chairman.

Registered.

K.O.R. 2841.

COPY.

Kuskogee, Indian Territory, April 30, 1903.

Jefferson Rogers,

Nittayuma, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

*Tamr Bixby.*  
Chairman.

#1064

No

For Identification as a Mississippi Choctaw.

Date JUL 2 1901.

Name Jefferson L. Rogers.

Age

39

Blood

1/8

Post Office,

Nittayuma, Miss.

Father: John M. Rogers, l

Mother: Lucinda " l

Claims through mother

wife -

Addie B.

d

Children:

Fannie

15

George W.

11

Chester R.

9

Claims for self  
& children

Stenographer

R. A. Smith



MISSISSIPPI CIVIL LAW

R-28-11

*Jefferson D. Rogers*

REFUSED

NON-REF

DECISION MADE BY APPLICANT

FEB 11 1903

DECISION MADE BY APPLICANT  
AN ANTI-CHOCTAW NATIVE

FEB 11 1903

FORWARDED DEPARTMENT

MAR 2 1903

APPROVED BY SECRETARY OF INTERIOR

APR 9 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORNEO FOR CHOCTAW  
AN ANTI-CHOCTAW NATIVE

APR 30 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

REFER TO F. C. R.

Choctaw MCR 2842

John A. Rogers

MCR 2842

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of John A. Rogers for the identification of himself and three minor children as Mississippi Choctaws.

John A. Rogers, having been first duly sworn, upon his oath states as follows :

Examination by the Commission.

- Q What is your name? A John A. Rogers.  
Q What is your age? A I am thirty two years old.  
Q What is your post office address? A Vicksburg, Mississippi.  
Q How long have you lived in Vicksburg? A Three years.  
Q Where was you born? A In Smith County, Mississippi.  
Q And from there you moved to where? A Sharkey.  
Q And from there to where? A Warren County.  
Q What is your father's name? A John M. ~~Murphy~~ Rogers.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Lucinda Rogers.  
Q Living? A Yes sir.  
Q Through which one of your parents do you claim Choctaw blood?  
A Mother.  
Q How much do you claim? A 1/8.  
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribal ~~authorities~~ of Indians by the Choctaw tribal authorities or the United States authorities?  
A No sir.  
Q What is your wife's name? A Julia.  
Q Is she a white woman? A Yes sir.  
Q You don't make any claim for her then? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.  
Q What is the name of the oldest? A Robert G., six years old.  
Q The next? A Hilda C.  
Q How old is she? A Three years old.  
Q Any others? A Baby, yes sir.  
Q What is her name? A Julia M.  
Q How old? A Eighteen months old.  
Q Are you the father? A Yes sir.  
Q Are these children living with you at your home? A Yes sir.  
Q You married under a license and by an ordained minister?  
A Yes sir.  
Q Have you your marriage license and certificate with you? A No sir.  
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application before this for yourself and children to be enrolled as members of the Choctaw tribe to the Choctaw tribal authorities in Indian Territory? A No sir.  
Q Did you, or any one for you, of your children, in 1896, make application to the Commission to the Five Civilized Tribes for citi-

John A. Rogers, et al., #2.

sen ship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application for yourself and children before this time to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Is this the first application you have ever made of any kind? A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw for yourself and children? A Yes sir.

Q Do you claim this right for yourself and children under Article Fourteen of the Treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits ~~as~~ such as land or money from the United States Government as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors in a direct line, who were members of the old Choctaw nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians?

A Well, I have heard mother speak of Tandy Walker.

Q He wasn't a relative? A Yes sir, he was a first cousin of my grand father.

Q Give me the name of any of your ancestors along a direct line?

A I can't remember them.

Q Don't you remember your ~~father's mother's~~ mother's father? A Yes sir, Frank Womack.

Q Do you know your mother's mother's name? A No sir.

Q What evidence have you, or proof, that Frank Womack, your grand father, your mother's father, was a Choctaw Indian? A I have n't any right now.

Q You think you could prove that later? A Yes sir.

Q You don't think of any other ancestors? A No sir.

Q Did any of your ancestors, if Choctaw Indians, removal from the Mississippi or Alabama and go to the Indian Territory with the other Indians who were removed by the Government between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, go to the United States Indian Agent ~~Ward~~ Ward, within six months after the ratification of the treaty of 1830, and tell him that they didn't intend to go to the Indian Territory; that they proposed to remain in Mississippi and become citizens of the United States? A I don't know; I couldn't say.

Q Have any of your ancestors ever received or claimed any land from the United States Government in the State of Mississippi under article 14 of the treaty of 1830? A I don't know.

Q Do you speak the Choctaw language? A No sir.

Q Is there any thing further you want to say in support of this claim? A Well, no sir, I don't know that there is.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were in 1830, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the fourteenth

John A. Rogers, et al., #3.

article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A No sir.

L.P. Hudson, attorney for applicant, asks leave to file documentary evidence in support of this application within a period of thirty days from this date.

Permission is granted to the attorney for applicant to file proper documentary evidence in support of this application within a period of thirty days from this date.

(This applicant has the appearance of a person descended from white ancestry, except that he has dark eyes; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and three minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 20, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*[Signature]*

Notary Public.

Muskogee, Indian Territory, February 13, 1903.

John A. Rogers,  
Vicksburg, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen C. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda C. Rogers, Julia M. Rogers, Edna M. Austin, Edna

M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tama D. King*

Acting Chairman.

Registered.

N.O.R. 2842.

COPY

Muskogee, Indian Territory. April 30, 1903.

John A. Rogers,

Vicksburg, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

*Tamie Bixby.*

Chairman.



CHICKASAW

R. 2843

*John A. Rogers et al.*

**REFUSED.**

DECISION RENDERED. FEB 13 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 13 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 13 1903

RECORD FORWARDED DEPARTMENT.

MAR -2 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 30 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 30 1903

DECISION PREPARED

REFER TO M. O. R. 31 C

#1065

No. 2413

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name John A. Rogers

Age 32

Blood 1/8

Post Office, Vicksburg, Miss.

Father: John M. Rogers. l

Mother: Lucinda " l

Claims through mother

wife Julia — w.

No claim for wife

Children:

Robert G. 6

~~John~~ Hilda C. 3

Julia M. 18 m.

Claims for self  
& children

Stenographer

R. A. Street.

Choctaw MCR 2843

Edna M. Austin

MCR 2843

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 22, 1901.

In the matter of the application of Edna M. Austin for the identification of herself and two minor children as Mississippi Choctaws.

Edna M. Austin, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Edna M. Austin.  
Q What is your age? A I am twenty nine years old.  
Q What is your post office address? A Vicksburg, Mississippi.  
Y. & M. V. Yards office.  
Q Where were you born? A I was born in Smith County.  
Q And then you removed to what county? A Sharkey County.  
Q And from there to where? A From there to Vicksburg.  
Q And lived there since? A Yes sir.  
Q You always lived in Mississippi? A Yes sir.  
Q What is your father's name? A John M. Rogers.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Lucinda Rogers.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim Choctaw blood? A My mother.  
Q How much do you claim? A 1/8; she was a quarter.  
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I don't know.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A J. B. Austin.  
Q What is his blood? A He is part German.  
Q Is he a white man? A Yes sir.  
Q Do you make any claim for him? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have two.  
Q What is the name of the oldest? A Edna M. Austin.  
Q How old is she? A Three years old.  
Q And the next? A One year and six months.  
Q What is the name? A Rogers V. Austin.  
Q Is J. B. Austin the father of these children? A Yes sir.  
Q Are you the mother? A Yes sir.  
Q Are they living with you at your home? A Yes sir.  
Q Were you married by an ordained minister and under a license?  
A Yes sir.  
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I don't think that they are.  
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for yourself and children?  
A No sir.  
Q Did you, or any one for you, in 1896, make application for

Edna M. Austin, et al., #2.

citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Is this the first application of any kind you have ever made for yourself or children? A Yes sir.

Q Do you now make application for identification as Mississippi Choctaws for yourself and them? A Yes sir.

Q Do you make this claim as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir, I don't think they ever did; I don't -- I don't think my ancestors ever did.

Q Can you give the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and who were residents of the Mississippi and Alabama at that time, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians? A Yes sir, my grand father.

Q What was his name? A Frank Womack.

Q I asked you to give the name of some ancestor who was a recognized member of the Choctaw tribe of Indians, do you know that he was? A Yes sir, he was a recognized member, and Pushamanta and Tandy Walker were his cousins.

Q Have you any documentary evidence or any evidence of any kind to prove that they were recognized members of the Choctaw tribe of Indians? A Yes sir.

Q You think you can, if given time in which to introduce such evidence -- ? A Yes sir.

Q Did any of your ancestors remove from Mississippi and Alabama and go to the Indian Territory with the other Indians who went to the Territory between the years 1833 and 1838? A No sir.

Q Did any of your ancestors, if they didn't go to the Territory at that time, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent of the Choctaw Indians in Mississippi, Colonel Ward, and tell him that they wished to stay in Mississippi and become citizens of the United States?

A No sir. I don't know that they did.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you desire to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Elna M. Austin, et al., #3.

Q Would you like time in which to introduce documentary evidence?  
A yes sir.

L.P. Hudson, attorney for applicant, asks leave to file documentary evidence in support of this application within a period of thirty days from this date.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant has the appearance of one descended from white ancestry; she does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830) A

The decision of the Commission as to the application you make at this time for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of August, 1901.

*R. S. Streit*  
*[Signature]*  
Notary Public.

Muskogee, Indian Territory, February 13, 1903.

Edna M. Austin,

Y. & . M. V. Yard Office.

Vicksburg, Mississippi.

Dear Madam:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth A. Royals, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen C. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda C. Rogers, Julia M. Rogers, Edna

M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar T. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Tamr Dyer*

Acting Chairman.

Registered.



M.O.R. 2843.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Edna M. Austin,

Y. & M. V. Yard Office,

Vicksburg, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

(S)

*Tams Bixby*  
Chairman.

#1066

No.

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name Edna M. Austin

Age 29

Blood

1/8

Post Office,

Veicksburg, Miss

Father: John <sup>and Mrs. Ward offic</sup> M. Rogers, l

Mother:

Lucinda " l

Claims through

mother

husband

J. B. Austin, w.

No claim for  
husband

Children:

Edna M. 3

Rogers V- 1-6

Claims for self  
and children

Stenographer

R. A. Thet

Edna M. Austin et al

REFUSED

DECISION RENDERED. FEB 13 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 13 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 13 1903

RECORD FORWARDED DEPARTMENT.

MAR -2 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 30 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

30 1903

DECISION PREPARED

REFER TO M. C. R.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
**FILED**

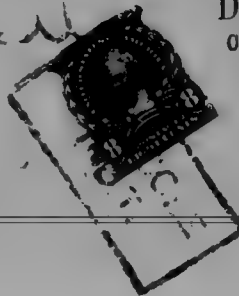
MAY 11 1903

*[Handwritten signature]*

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*Did not show up for mail*  
*Returned to Post Office from your office*  
*Yours truly*



Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2174

Returned to Writer

Edna M. Austin,

Y. & M. V. Yard Office,

Vicksburg, Mississippi.

Choctaw MCR 2844

Mack McCain

MCR 2844

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----oOo-----

In the matter of the application of Mack McCain,  
et al., for identification as Mississippi  
Choctaws----- M.C.R. 2844

-----  
List of papers forwarded to the Secretary of the Interior  
in the above case, together with the page occupied by each in the  
record

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Page

Original application of Mack McCain, et al., to the Dawes  
Commission for identification as Mississippi Choctaws----- 1

Decision of the Commission refusing the application of  
Mack McCain, et al., for identification as Mississippi  
Choctaws

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of Mack McCain for the identification of himself and seven minor children as Mississippi Choctaws.

Said Mack McCain, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mack McCain.  
Q What is your age? A Forty-five.  
Q What is your postoffice address? A Livingston, Alabama, Sumter County.  
Q How long have you lived there? A All my life but a little while when I lived in Mississippi.  
Q How long did you live in Mississippi? A Only a year.  
Q All the rest of the time you have lived in Livingston? A Yes sir.  
Q What is your father's name? A Adam McCain.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Daphney Cobbs.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A Well, my mother's mother was half and then you know about what I would be.  
Q How much would you be? A About one-eighth, I reckon.  
Q Now what was your father's blood? A White.  
Q All white? A Yes sir.  
Q And what was your mother's blood? A One-fourth Choctaw.  
Q What was the rest of her blood? A Negro.  
Q Three-fourths negro? A Yes sir.  
Q Was she a slave before the war? A Yes sir.  
Q Was Adam McCain her master? A No sir.  
Q He was a white man, though? A Yes sir.  
Q Were you a slave before the war? A Yes sir.  
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A Letha.  
Q What is her blood? A Negro.  
Q Do you make any claim for your wife? A No sir.  
Q Have you any children under 21 years of age and unmarried that you want to make a plication for? A Yes sir.  
Q Give me the name of the oldest? A Ivison.  
Q Boy or girl? A Boy.  
Q How old? A About seventeen.  
Q Next child? A Nelson.  
Q How old? A About fifteen.  
Q Next? A Robert.  
Q How old? A About thirteen.  
Q Next? A Henry.  
Q How old? A About eleven.



Q Next? A Pauline.  
Q Girl? A Yes sir.  
Q How old? A About nine.  
Q Next? A Cera.  
Q How old? A About eight.  
Q Next? A Emmet.  
Q Boy? A Yes sir.  
Q How old is he? A Six.  
Q What is the name of the next? A That is all.  
Q Is Letha the mother of these children? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Are these children living with you at your home? A Yes sir.  
Q Were you married to your wife by a minister and under a license?  
A Yes sir.  
Q Have you your marriage license and certificate with you now?  
A No sir.  
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself or children as members of that Tribe? A No sir.  
Q Did you or did anyone for you or your children in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this time for yourself or your children to either the Choctaw Tribal authorities or to the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.  
Q Is this the first application of any kind you ever made? A Yes sir.  
Q Do you now seek to be identified as Mississippi Choctaws for yourself and children? A Yes sir.  
Q Do you claim your right to identification as beneficiaries under article 14 of the treaty of 1830? A Yes sir.  
Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.  
Q Can you give the name of any of your ancestors, your kin folks, who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians?  
A My grandmother.  
Q Your mother's mother? A Yes sir.  
Q What was her name? A Amie Edwards.  
Q How much Choctaw blood did she have? A One-half.  
Q How do you know she had half? A That is what she said when I got big enough to recollect.  
Q She was a slave? A Yes sir, but she said her mother wasn't; I heard her say that.  
Q Have your mother's people, back on either side, been ~~xx~~ slaves, as far back as you know? A Only her sisters.  
Q I mean your mother's people, her father and mother, grandfather and grandmother, have they all been slaves? A Yes sir, as far as I knew.

Mask McCain et al---3

Q Have you any documentary evidence, or any other kind of proof, to show that any of your ancestors, if they were Choctaw Indians, removed from the territory occupied by the Choctaw Indians in Mississippi and Alabama and went to the Indian Territory with the other Indians when they went there between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors, if Choctaw Indians, ever received or claimed any land in Mississippi from the Government under article 14 of the treaty of 1830? A No sir, not as I knew of.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce documentary evidence? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application.

This applicant has the appearance of a person descended from mixed ancestry of negro and white blood. Claims Choctaw blood but has no indication observable in his personal appearance of having Indian blood. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

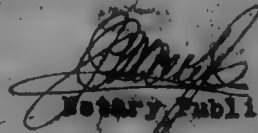
The decision of the Commission as to your application and the application you make on behalf of your seven minor children, for identification as Mississippi Choctaws will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Mack McCain et al—4

Subscribed and sworn to before me this the 22nd day of July, 1901,  
at Meridian, Mississippi.

  
Notary Public.

4

C.W.

COPY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mack McGain,  
et al., for identification as Mississippi Chee-  
taws -----M.C.R. 2844

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Cheetaws was made to this Commission by Mack McGain for himself and his seven minor children, Ivison, Nelson, Robert, Henry, Pauline, Gera and Elmer McGain, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 498):

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Cheetaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, by reason of being descendants of Amie Edwards who is alleged to have been an one half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw Tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It does not appear from the testimony offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Amie Edwards, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 ( 5 Stats..160) and August 23, 1842(5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Mack McCain, Ivinson McCain, Nelson McCain, Robert McCain, Henry McCain, Pauline McCain, Gera McCain and Emmet McCain as Cheatew Indians entitled to rights in the Cheatew lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED

Jame Bixby

Acting Chairman

SIGNED

T. B. Needles

Commissioner

WITNESSED

C. R. Breckinridge

Commissioner

Maplewood, Indian Territory

DEC 6 1902

M.C.R.2844.

CORY.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mack McCain, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mack McCain, Ivison McCain, Nelson McCain, Robert McCain, Henry McCain, Paulino McCain, Cora McCain and Emmet McCain as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James H. Smith*

Acting Chairman.



COPY.

Muskogee, Indian Territory, December 6, 1902.

Mack McCain,

Livingston, Alabama.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mack McCain, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mack McCain, Ivison McCain, Nelson McCain, Robert McCain, Henry McCain, Pauline McCain, Cora McCain and Emmet McCain as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



Mark McCain 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Tams Bixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mack McCain, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Acting Chairman.

Commissioner of Indian Affairs.

Enc. M. C. R. 2844.

Land  
76204-1902

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Mack McCain for himself and his seven minor children, Ivison, Nelson, Robert, Henry, Pauline, Cora and Emmet McCain, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Annie Edwards who, it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the treaty of 1830, through Daphney Cobbs, her daughter, mother of the principal applicant.

The Commission rejected the applicants December 6, 1902, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants

have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Annie Edwards and Daphney Cobbs, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; nor does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.C.(S)

D.C.10451-1903.  
I.T.D.3342-1903  
LRS.

(Copy)

FHE

DEPARTMENT OF THE INTERIOR.

WASHINGTON, April 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Mack McCain (M.C.R.2844), for himself and his seven minor children, Ivison, Nelson, Robert, Henry, Pauline, Cora and Emmet McCain, including your decision of December 6, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Amie Edwards, who is alleged to have been an one-half Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

-2-

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,  
Acting Secretary.

1 inclosure.

M C R 2844

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mack McCain, et al., of which decision you were advised by mail on the 8th day of December, 1902.

Respectfully,

*Tame Bixby.*

Chairman.

M. C. R. 2844

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mack McCain,  
Livingston, Alabama.

Dear Sir:

You are hereby notified that on the 11th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mack McCain, et al., of which decision you were advised by Registered mail on the 6th day of December, 1902.

Respectfully,

*Tame Bixby.*

Chairman.



#1067

No

For Identification as a Mississippi Choctaw.

Date

JUL 2 1901

Name

Maik <sup>Mc</sup> Cain  
(McCAIN)

Age

45

Blood

1/8 —

Post Office,

Livingston, Ala.

Father:

Adam M<sup>c</sup> Cain <sup>white</sup> d

Mother:

Waphney Cobb<sup>s</sup> <sup>1/4 choct, 3/4 negro</sup> d

Claims through

Mother

wife

Leitha <sup>negro</sup>

No claim for wife

Children:

Iverson (boy)	17
Nelson "	15
Robert "	13
Henry "	11
Pauline	9
Gora	8
Emmet — boy —	6

Claims for self  
and children

Stenographer

J. S. Miles

PC R. 284  
*Mark McCain, et al.*

**REFUSED**

DECISION RENDERED. DEC 1 1902

NO. 14 DECISION MAILED APPLICANT DEC 6 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 6 1902

RECORD FORWARDED DEPARTMENT.

DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 27 1903

DECISION PREPARED

Choctaw MCR 2845

Mariah Ware

MCR 2845

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of Mariah Ware for the identification of herself and two minor children as Mississippi Choctaws.

Said Mariah Ware, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mariah Ware.  
Q What is your age? A Twenty-two.  
Q What is your postoffice address? A Luster, Mississippi.  
Q How long have you lived there? A Been living around close there all my life.  
Q In what County is that? A Chickasaw.  
Q You have always lived in that County in Mississippi? A Yes sir.  
Q What is your father's name? A George McIntosh.  
Q Is he living? A Yes sir.  
Q What is he, a negro? A Yes sir.  
Q What is your mother's name? A Sallie McIntosh.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much do you claim? A Three-sixteenths.  
Q Was your mother a slave before the war? A Yes sir, so she said.  
Q And your father? A Yes sir.  
Q What was her blood, your mother? A Choctaw.  
Q And what else? A Three-eighths Choctaw.  
Q What was the rest of her blood? A I don't know, sir.  
Q It wasn't white, was it? A No sir.  
Q What was it? A Negro, I reckon.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Harrison Ware.  
Q What is his blood? A Negro.  
Q Do you make any claim for him? A No sir.  
Q Have you children under 21 years of age and unmarried that you want to make application for? A Yes sir.  
Q What is the name of the eldest? A Curley.  
Q Boy? A Yes sir.  
Q How old? A Two years old.  
Q What is the name of the next? A Carley.  
Q Boy? A Yes sir.  
Q How old is he? A Ten months old.  
Q Is that all the children? A Yes sir.  
Q Is Harrison Ware the father of these children? A Yes sir.  
Q Are you the mother? A Yes sir.  
Q Are these children living with you at your home? A Yes sir.  
Q Were you married to your husband by an ordained minister and under a license? A Yes sir.  
Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? Did you go to the

Territory and have your name put on the rolls there? A No sir.

Q Have you ever made application for yourself and children to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of that Tribe? A No sir.

Q Did you or did anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted, with your children, to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to either the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is the first application of any kind you ever made? A Yes sir.

Q Is it now your purpose to make application for yourself and children for identification as Mississippi Choctaws? A Yes sir.

Q Do you claim your rights as beneficiaries for yourself and children under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? Received any money or land? A No sir.

Q Can you give me the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi or Alabama when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A No sir.

Q Can you give the names of any of your kin folks, your mother's people, her father and mother? A My grandmother.

Q What was your grandmother's name? A Maria.

Q On your mother's side? A Yes sir.

Q What was your grandfather's name? A His name was Isaac.

Q Have you any evidence to show, or can you produce any evidence to show that your ancestors were Choctaw Indians, either full blood or half blood? A By my mother, she said that she was.

Q All you have at present is family history, is it? That is what is reported in the family? A Yes sir.

Q Did any of your ancestors remove from Mississippi or Alabama and go to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent of the Choctaw Indians in Mississippi and tell him that they intended to stay in Mississippi and desired to become citizens of the United States? A I don't know.

Q Did any of your ancestors receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know, sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make now in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the Treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir, I have a paper.

Mariah Ware et al---3

There is offered in evidence the joint affidavit of Clem Griffin and Waitus McIntosh, presented by applicant, received, filed, marked "Exhibit-A" and made a part of the records in this case.

Q Have you any other documentary evidence you want to present now?

A No sir.

Q Do you want time in which to introduce other documentary evidence in support of this claim? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence she may desire to present in support of this application which she makes for herself and children.

Examination by L.P.Hudson, Attorney for applicant:-

Q Was this your mother that was on the stand just before you?

A Yes sir.

Q This is your mother that is here in the Court Room now? A Yes sir.

Q What is her name? A Sallie McIntosh.

This applicant has the appearance and general characteristics of one descended from negro and Indian blood, in which the negro blood very largely predominates and the Indian is very slightly traceable. She is the daughter of Sallie McIntosh who appeared before the Commission on this date and who has strongly marked Indian features, high cheek bones, thin face, roman nose, thin lips, a strongly marked Indian face. This applicant does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your two minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said proceedings on said date. Subscribed and sworn to before me this the 22nd day of July, 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public.

COPY

M.C.R. 2845

Muskogee, Indian Territory, February 6, 1903.

Mariah Ware,

Luster, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie McIntosh, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie McIntosh, et al.,	M.C.R. 2846
Carrie Graham, et al.,	M.C.R. 2938
Mariah Ware, et al.,	M.C.R. 2845

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie McIntosh, Tom McIntosh, Lizzie McIntosh, Minnie McIntosh, Carrie Graham, Misker Graham, Major Graham, Nathaniel Graham, Ira Graham, Mariah Ware, Curley Ware and Carley Ware as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are farther advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*C. R. Breckinridge*

Commissioner in Charge

Registered.



M.C.R. 2845

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mariah Ware,

Master, Mississippi.

Dear Madam:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie McIntosh, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

*Tame Dixie.*  
Chairman.

P/068

No

2015

For Identification as a Mississippi Choctaw.

Date JUL 2 1901

Name *Mariah Ware*

Age *22*

Blood

*3/16*

Post Office, *Luster, Miss*

Father: *George Mcintosh, l.*

Mother: *Sallie Mcintosh*

Claims through *Mother*

*Husband*

*Harrison Ware, negro*

*No claim for husband*

Children:

*Curley (boy) 2*

*Carley (boy) 10 m.*

*Claims for self  
and children.*

Stenographer

*J. D. Niles*

*Mariah Ware, et al.*

REFUSED

DECISION RENDERED. FEB 8 1903

NOTICE OF DECISION MAILED APPLICANT. FEB 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATION FEB 6 1903

RECORD FORWARDED DEPARTMENT FEB 24 1903

ACTION APPROVED BY SECRETARY OF INTERIOR APR 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS. APR 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT. APR 1903

REFER TO M. C. R.

DECISION PREPARED

Choctaw MCR 2846

Sallie McIntosh

See MCR 2938, 2845

MCR 2846

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Sallie McIntosh,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Sallie McIntosh, et al.....	M.C.R. 2046
Carrie Graham, et al.....	M.C.R. 2038
Mariah Ware, et al.....	M.C.R. 2048.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

Original application of Sallie McIntosh,  
et al., to the Dawes Commission for iden-  
tification as Mississippi Choctaws.....1

Joint affidavit of Glen Griffin and Waitus  
McIntosh.....3

Original application of Carrie Graham, et  
al., to the Dawes Commission for identifi-  
cation as Mississippi Choctaws.....6

Testimony of Henry Thomas in behalf of  
applicant.....9

Joint affidavit of Eudine Buchanan and  
Grace Evans.....11

(2).

Original application of Mariah Ware, et al., to the Daves Commission for identification as Mississippi Cheestaws.....12

Joint affidavit of Glen Griffin and Waitms McIntosh.....15

Decision of the Commission refusing the applications in the consolidated case of Sallie McIntosh, et al., for identification as Mississippi Cheestaws.....16.

-----)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 2nd, 1901.

In the matter of the application of Sallie McIntosh for the identification of herself and three minor children as Mississippi Choctaws.

Said Sallie McIntosh, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sallie McIntosh.  
Q What is your age? A About fifty.  
Q What is your postoffice address? A Luster, Chickasaw County, Mississippi.  
Q Where were you born? A In Chickasaw County.  
Q Where have you lived all your life? A Lived right where I was bred and born.  
Q What is your father's name? A Isaac.  
Q Is that all you know, no other name? A No sir.  
Q Is Isaac living or dead? A Dead.  
Q What is your mother's name? A Maria Thomas.  
Q Is she living? A No sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A My mother and father too.  
Q How much Choctaw blood do you claim? A Three-eighths.  
Q You think that is right, do you? A Yes sir.  
Q How much Choctaw blood did your father have? A I don't know sir.  
Q Can't you tell how much your father had? A My mother was half.  
Q How much did your father have? A I just couldn't tell.  
Q What was his other blood beside Choctaw blood? A I don't know sir.  
Q Didn't he have negro blood? A I reckon so.  
Q He didn't have any white blood, did he? A No sir.  
Q He wasn't all Choctaw? A No sir.  
Q You can't tell the quantity, can you? A No sir.  
Q Was he a slave before the war? A Yes sir.  
Q How much Choctaw blood did your mother have? A Half.  
Q What was her other blood beside Choctaw? A I don't know, just negro.  
Q Was she a slave before the war? A Yessir.  
Q When you say three-eighths, you can't tell whether you have three-eighths Choctaw blood, or not, can you? A No sir.  
Q You can't tell how much your father did have, can you? A No sir.  
Q Were your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever recognized in any manner or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or the United States authorities? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A George McIntosh.  
Q Were you a slave before the war? A Yes sir.  
Q Until you were liberated by the emancipation proclamation? A Yes sir.  
Q Do you make any claim for your husband? A No sir.  
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir, three.  
Q What is the name of the eldest? A Tom.  
Q How old is he? A Fifteen.

- Q Next? A Lizzie.
- Q How old is she? A Fifteen.
- Q These are twins? A Yes sir.
- Q Any more children? A Yes sir, Minnie.
- Q How old is she? A Thirteen.
- Q Is that all? A Yes sir.
- Q Is George McIntosh the father of these children? A Yes sir.
- Q Are you the mother? A Yes sir.
- Q Were you married to him under a license? A Yes sir.
- Q And by an ordained minister? A Yes sir.
- Q Are these children living with you at this time? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? That is--did you ever go to the Territory and have your names put on the rolls?
- A No sir.
- Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for the enrollment of yourself and children as members of that Tribe? A No sir.
- Q Did you or did anyone for you or for your children, in 1896, under the Act of Congress of June 10, 1896, make application to the Dawes Commission for citizenship in the Choctaw Nation? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? Did you ever go out there and get enrolled as citizens of the Choctaw Nation by any of these authorities out there? A No sir.
- Q Have you ever made application before this time, for yourself or children, to either the Choctaw Tribal authorities or the authorities of the United States to be admitted or enrolled as members of the Choctaw Tribe of Indians? You never did, did you? A No sir.
- Q Is this the first application that you have ever made of any kind? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Do you claim your right as beneficiaries for yourself and children, under the provision of article 14 of the treaty of 1830? That is--do you claim under that treaty that was made between the United States Government and the Choctaw Indians in 1830? The article I ask you about is article 14 of that treaty and gave certain rights to Mississippi Choctaws and their descendants. You claim to be a descendant of Mississippi Choctaws. Do you claim your rights under that article? A Yes sir.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians? A In land or money from the Government? A No sir.
- Q Can you give the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? Can you give me the names of your ancestors, your kin folks?
- A No sir, only what the people said.
- Q Give me the names of any of your kin folks, grandpa, grandma, any of them? A My grandma's name was Susan.
- Q Whose mother was she? A That is my mother's mother.
- Q Do you know what her husband's name was? A Isaac.
- Q He was your grandfather? A Yes; I can't remember the names of any other ancestors but them.
- Q Have you any evidence to prove that they were recognized members



Sallie McIntosh et al---3

of the Choctaw Tribe of Indians in 1830? Have you any proof that they belonged to the Choctaw Tribe in 1830, 70 years ago?

A I just heard them say he was.

Q Have you any proof that your ancestors, any of them, if Choctaw Indians, went from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A I don't know, sir.

Q Have you any evidence or proof of any kind that any of your ancestors, if they didn't go to the Indian Territory, did, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent in Mississippi and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi under article 14 of the treaty of 1830? Did they ever get any land? A No sir.

Q Is there anything more you want to say in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any kind, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A ~~Yes~~ Yes sir.

There is offered in evidence the joint affidavit of Clem Griffin and Waitus McIntosh, presented by applicant, received, filed, marked "Exhibit-A", and made a part of the records in this case.

Q Would you like time in which to introduce documentary or other evidence of any kind? A Yes sir.

Q Do you speak the Choctaw language? A No sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of her claim, which she makes for herself and children.

This applicant has the appearance and ~~characteristics~~ characteristics of one descended from mixed ancestry of Indian and negro blood, in which the Indian strongly predominates in her features. The negro is shown somewhat in her hair. The features, however, are strongly marked as Indian. She has no knowledge of the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your three minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in

Sallie McIntosh et al--4

your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of July, 1901,  
at Meridian, Mississippi.

*[Signature]*  
Notary Public

COPY.

COPY.

L. E. D.  
C. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Sallie McIntosh,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Sallie McIntosh, et al.....M.C.R. 2040  
Carrie Graham, et al.....M.C.R. 2030  
Mariah Ware, et al.....M.C.R. 2045.

--: D E C I S I O N :--

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this Commis-  
sion by Sallie McIntosh for herself and her three minor children,  
Tom, Lizzie and Minnie McIntosh; by Carrie Graham for herself and  
her four minor children, Wicker, Major, Nathaniel and Ira Graham;  
and by Mariah Ware for herself and her two minor children, Carley  
and Carley Ware, under the following provision of the act of Congress  
approved June 25, 1898, (30 Stat., 493):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the

United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein, Sallie McIntosh, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being the daughter of Isaac, who is alleged to have been possessed of some Choctaw blood, degree thereof not given, and Maria Thomas, who is alleged to have been a half blood Choctaw, and she traces her maternal ancestry to her grand parents, Isaac (or Isaac Buchanan) who is alleged to have been a half blood Choctaw Indian, and Susan (or Susie) Thomas, who is alleged to have been a full blood Choctaw Indian. All the other applicants herein, being lineal descendants of the principal applicant, claim said rights in the same manner as is claimed by the principal applicant.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen

of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susan (or Susie) Thomas, or Maria Thomas, or Isaac Buchanan, or any person bearing only the name of Isaac, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie McIntosh, Tom McIntosh, Lizzie McIntosh, Minnie McIntosh, Carrie Graham, Wisker Graham, Major Graham, Nathaniel Graham, Ira Graham, Mariah Ware, Gurley Ware and Carley Ware as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

*Tams Bixby.*

Acting Chairman

*I. B. Needles.*

Commissioner

*C. R. Breckinridge.*

Commissioner

Muskogee, Indian Territory

FEB. 6 1903

Muskegee, Indian Territory, February 6, 1903.

Sallie McIntosh,  
Luster, Mississippi.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie McIntosh, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie McIntosh, et al.,	M.C.R. 2846
Carrie Graham, et al.,	M.C.R. 2938
Mariah Ware, et al.,	M.C.R. 2845

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie McIntosh, Tom McIntosh, Lizzie McIntosh, Minnie McIntosh, Carrie Graham, Misker Graham, Major Graham, Nathaniel Graham, Ira Graham, Mariah Ware, Gurley Ware and Carley Ware as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

*C. R. Breckinridge*  
Commissioner in Charge.

Registered.



M.C.R. 2846

Muskogee, Indian Territory, February 6, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen;

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie McIntosh, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie McIntosh, et al.,	M.C.R. 2846
Carrie Graham, et al.,	M.C.R. 2938
Mariah Ware, et al.,	M.C.R. 2845

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie McIntosh, Tom McIntosh, Lizzie McIntosh, Minnie McIntosh, Carrie Graham, Misker Graham, Major Graham, Nathaniel Graham, Ira Graham, Mariah Ware, Curley Ware and Carley Ware as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.



Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sallie McIntosh, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 6, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Sallie McIntosh, et al.,  
Carrie Graham, et al.,  
Mariah Ware, et al.,

M.C.R. 2846  
M.C.R. 2938  
M.C.R. 2845.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. ~~2846~~

COPY.  
DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

Land  
13,868-1903.

March 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties; Sallie McIntosh for herself and her three minor children, Tom, Lizzie and Minnie McIntosh; Carrie Graham for herself and her four minor children, Misker, Major, Nathaniel and Ira Graham; Mariah Ware for herself and her two minor children, Curley and Charley Ware, wherein a decision adverse to the applicants was rendered by the commission on February 6, 1903.

The testimony in this case shows that the principal applicant and those claiming under her, claim rights in the Choctaw lands by reason of being descendants from Isaac the father of the principal applicant and Maria Thomas, and the principal applicant traces her maternal ancestry to her grandparents, Isaac (or Isaac Buchanan), who is alleged to have been a full blood Choctaw Indian and Susan (or Susie) Thomas, who is alleged to have been a full blood Choctaw Indian.

The Commission rejected the applicants because the names of

the alleged ancestors did not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the names of Isaac, Isaac Buchanan, Maria Thomas and Susan (or Susie) Thomas, and it is discovered that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

~~This being the case, it is evident that the decision of the~~  
commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(e.B.H.)

P.

D.C. 10334

COPY.  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

EAF

ITD. 3054-1903.

April 8, 1903.

L R S

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

February 24, 1903, you transmitted the record in the  
matter of the applications for identification as Mississippi

Choctaws, of Sallie McIntosh and her minor children, Tom,  
Lizzie and Minnie McIntosh; of Carrie Graham and her minor  
children, Misker, Major, Nathaniel and Ira Graham; and of Mariah  
Ware and her minor children, Curley and Carley Ware. You  
denied the applications February 6, 1903.

Applicant Sallie McIntosh claims to be a daughter  
of Isaac, alleged to have been a Choctaw Indian, and Maria  
Thomas, Alleged to have been a half blood Choctaw, and she traces  
her maternal ancestry to her grandparents, Isaac (or Isaac Bu-  
chanan) and Susan Thomas, who are alleged to have been one-  
half and full blood Choctaw Indians respectfully. The other  
applicants are shown to be the lineal descendants of Sallie  
McIntosh.

The records fail to show that the applicants were  
ever admitted or enrolled as citizens of the Choctaw Nation,

-2-

or that any one of their alleged ancestors, above named, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN.

Acting Secretary.

1 inclosure.

M.O.R. 2846.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie McIntosh, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

*Jane Bixby.*

Chairman.

M.O.R. 2846.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Sallie McIntosh,

Luster, Mississippi.

Dear Madam:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie McIntosh, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

*Jane Bixby*

Chairman.

2846

*Sallie McInnis*  
2nd

CARD NO.

NAME

*Consolidated Case*

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX



Table No 1

<p>Susan Thomas f.t. mar</p> <p>Isaac Buchanan 1/2</p>	<p>Maria Thomas (or Evans) mar 3/4 or 1/2 slave</p> <p>Isaac — Choe</p>	<p>Sadie M. Intosh 50 3/8 mar slave</p> <p>George M. Intosh negro slave</p>	<p>Carrie M. Intosh 27 3/6 mar.</p> <p>William Graham negro</p> <p>Mariah M. Intosh 22 3/6 mar.</p> <p>Harrison Ware, negro</p> <p>Jon. M. Intosh 15 } Surin</p> <p>Lizzie M. Intosh 15 }</p> <p>Minnie M. Intosh 13</p>	<p>Mister Graham 7</p> <p>Major Graham 5</p> <p>Nathaniel Graham 3</p> <p>Ira Graham 7 mar.</p> <p>Curley Ware</p> <p>Charles Ware</p>
--	---	---	--	--

7069

No. 2846

For Identification as a Mississippi Choctaw.

JUL 2 1901

Date

Name *Pallie Mc Intosh*

Age 50

Blood

$\frac{3}{8}$

Post Office,

*Luster, Miss.*

Father:

*Isaac*

*(slav)*

*d*

Mother:

*Maria Thomas, d*

*1/2 choct. 1/2 neg, slon*

Claims through

*both parents.*

*He is buried*

*George M. McIntosh, neg.*

*No claim for husband*

Children:

*Tom*

—

15

*Lizzie*

—

15

*Minnie*

—

13

*Thomas*

*Claims for self and children.*

Stenographer

*D. J. Miles*

Choctaw MCR 2847

Henry Gully

MCR 2847

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Gully, et al., for  
identification as Mississippi Choctaws, consolidating the applica-  
tions of:

Henry Gully, et al., H.C.R. 2947  
Charlie Gully, H.C.R. 2951  
Mary Hamilton, et al., H.C.R. 2954  
Brancie Crawford, H.C.R. 2950

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of Henry Gully, et al.

	Page.
Original application of Henry Gully, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Sarah Ann Stephens and Julia Ann Stephens--	7
Affidavit of Elisabeth Scott-----	8
Affidavit of T. P. Bell-----	9
Affidavit of Martin Scott and Tom Jack-----	10
Affidavit of Alford Scott-----	11
Certified copy of the Marriage record of Henry Gully and Rachel Crady-----	12

	Page.
Original application of Charlie Gully before the Daves Commission for identification as a Mississ- ippi Cheater-----	13
Testimony of W. T. Brett-----	15
Affidavit of Sarah Ann Stephens and Julia Ann Stephens-----	17
Affidavit of Henry Gully-----	18
Affidavit of T. P. Bell-----	19
Original application of Mary Hamilton, et al., before the Daves Commission for identification as Mississippi Cheaters-----	20
Affidavit of Sarah Ann Stephens and Julia Ann Stephens-----	24
Original application of Brancie Crawford before the Daves Commission for identification as a Mississippi Cheater-----	25
Affidavit of Sarah Ann Stephens and Julia Ann Stephens-----	28
Affidavit of Henry Gully-----	29
Affidavit of T. P. Bell-----	30
Decision of the Commission refusing the consolidated application of Henry Gully, et al., for identifica- tion as Mississippi Cheaters-----	31

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 3rd, 1901.

In the matter of the application of Henry Gully for the identification of himself and his four minor children as Mississippi Choctaws.

Said Henry Gully, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Henry Gully.  
Q What is your age? A Fifty-six.  
Q What is your postoffice address? A DeKalb, Mississippi.  
Q What County? A Kemper.  
Q How long have you lived in Kemper County? A Bred and born there.  
Q You are speaking of Kemper County, Mississippi? A Yes sir.  
Q Is your father living? A No sir, I reckon not.  
Q Don't you know? A No sir, He isn't living.  
Q What was his name? A Amos Indian.  
Q You don't know, as a matter of fact, that he was your father?  
A I have always been taught that.  
Q When did he die? A When I was a boy, about 25 or 30 years ago.  
Q Where did he live during his lifetime? A On Scott's place down there.  
Q In Kemper County? A Yes sir.  
Q Did he live there all his life? A Ever since I remember.  
Q Did he live in the State of Mississippi all his life? A I couldn't tell you that.  
Q Is your mother living? A No sir.  
Q What was her name? A Lettie Scott; she belonged to the Sharnes; her husband was a Scott.  
Q Through which one of your parents do you derive your Indian blood? A Father; my mother was a black woman.  
Q She had no Indian blood at all? A No sir.  
Q Was your mother a slave? A Yes sir. I was too.  
Q Was your father a slave? A No; I never did know an Indian to be a slave.  
Q What proportion of Choctaw blood do you claim to have? A If my father was an Indian, I would be bound to be a half.  
Q You claim to be a half Choctaw, do you? A Yes sir.  
Q How old a man would your father be if he were living today?  
A I couldn't tell you that.  
Q He died 25 years ago, about? A Yes sir, might have been longer than that.  
Q About how old a man do you think he was when he died? A I reckon he was 60 or 70 years old, that is from his looks.  
Q Were your father and mother married? A No sir. My mother married a black man. When they come by me she was a young woman I reckon.  
Q You have been taught that this man, Amos Indian, who you claim was a full blood Choctaw Indian, was your father? A Yes sir.  
Q Did your mother and this Choctaw, Amos Indian, live together as man and wife? A No sir.  
Q Do you know whether Amos Indian was ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the United States authorities? A No sir, not as I know of.  
Q He never went out to the Territory, did he? A No sir.

Henry Gully et al--2

Q Are you married? A Yes sir.  
Q What is your wife's name? A Rachel.  
Q Is she living? A Yes sir.  
Q Has she any Indian blood? A No sir, not as I know of.  
Q You make no claim for her then? A I don't know sir.  
Q Do you make any claim for her? A No sir.  
Q She has no Choctaw blood? A No sir.  
Q She is a negro? A Yes sir.  
Q Was she a slave? A Yes sir; I think I heard her say her mother was a part Indian.  
Q You don't know anything more about it? A No sir.  
Q You are living together at this time? A Yes sir.  
Q How old is she? A About twenty-eight, I think.  
Q Is her father living? A No sir.  
Q What was his name? A Jack Grady.  
Q Is her mother living? A No sir.  
Q What was her name? A Margaret Grady.  
Q Through which one of her parents did your wife get her Indian blood, if she had any? A I couldn't tell you that. She said that her grandmother-- she said by her grandmother.  
Q You don't know whether she claims to get her Choctaw blood through her father or her mother? A I know she didn't get it through her father.  
Q Through which parent did she get her Choctaw blood? A I don't know.  
Q Do you think you ought to make a claim for her? A I don't know, sir.  
Q Has your wife always lived in the State of Mississippi? A Yes sir.  
Q Did her father and mother always live in the State of Mississippi? A Yes sir, as far as I know.  
Q Have you any children living with you under 21 years of age and unmarried? A Yes sir.  
Q How many? A Four.  
Q What are their names and ages? A The oldest's one's name is Jimmy.  
Q How old is he? A Ten.  
Q Boy? A Yes sir.  
Q Next one? A Willie.  
Q Boy or girl? A Girl.  
Q How old is she? A Six.  
Q Next one? A Zola.  
Q Girl? A Yes sir.  
Q How old is she? A Three.  
Q Next one? A Mary? A Boy or girl? A Girl.  
Q How old? A About six weeks old.  
Q Is that all of your children under 21 years of age and unmarried? A Yes sir.  
Q You are the father of these four children, are you? A Yes sir.  
Q What is the name of their mother? A Rachel.  
Q These children all living with you at this time? A Yes sir.  
Q Were you married to their mother, Rachel, under a license? A Yes sir.  
Q Where did you get your license? A Court House at DeKalb.  
Q Where were you married? A At home there in my own house.  
Q When? A About twelve years ago.  
Q Who performed the marriage ceremony? A Pastor by the name of Hampton.  
Q Have you your marriage license and certificate with you at this time? A No sir.



Henry Gully et al--3

Q Do you desire permission to offer it in evidence at a later date?  
A Yes sir.

Permission granted the applicant to file proper evidence of his marriage to Rachel within a period of thirty days from this date.

Q This application then is for yourself and four minor children ~~and~~ and you don't know whether to make application for your wife, or not?  
A No sir, I don't know about that.

Q Do you make any application for your wife? A No sir, I don't know anything about her Indian people.

Q Then this application, as I understand is simply for yourself and your four children? A Yes sir.

Q Is your name or the name of anyone of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory?  
A I don't understand that.

Q By Tribal rolls I mean the list of persons that belong to the Choctaw Tribe of Indians in Indian Territory, prepared by the Choctaw Tribal authorities, that is the officers of the Choctaw Government? A I don't understand that.

Q The Choctaws out there have a government of their own and they have had the right in the past to decide who were members of the Tribe and they have at different times prepared lists of people that are members of the Tribe out there. I want to know if your name or the names of any of your children are on any of these rolls? A No sir, they are not.

Q Did you ever make application for yourself or anyone of these children to the Choctaw Tribal authorities, the officers of the Choctaw Government, out in Indian Territory to have your names placed upon the Choctaw Tribal rolls? A No sir.

Q Did you ~~or~~ did anyone for you in 1896 make application to the Commission to the Five Civilized Tribes (that is this Commission) for citizenship in the Choctaw Nation for yourself or any of these children? A No sir.

Q Then neither you nor any of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for Indian Territory, have you? A No sir.

Q Have you ever made any application prior to this time either for yourself or any of your children to the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q This is the first application of any description that you have ever made, is it? A Yes sir.

Q Do you now desire to make application for identification as Mississippi Choctaws? A Yes sir.

Q Do you understand that question? A No sir, not exactly, I don't.

Q By that question I mean--do you want to make claim to land in the Choctaw Nation, Indian Territory by reason of the fact that you are possessed of Choctaw Indian blood and that you are a descendant of a Choctaw Indian who lived in Mississippi in the year 1830 and have continuously resided here? A No sir, do you mean go out there?

Q Do you want to make claim for that land out there? A If I could sell it, I could.

Q Why did you come here today? A They said if I had Indian blood to come here.

Q Then you do want to make application as a Mississippi Choctaw?  
A Yes sir.



Henry Gully et al---4

Q Do you claim your right under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Have you ever received any benefits as a Choctaw Indian? A No sir.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Are you sure of that? A Yes sir.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A No sir, Not as I know of.

Q You have testified that 25 years ago your father was probably 60 years old? A Yes sir, I reckon he was.

Q When he must have been living in the year 1830, 70 years ago?

A May be so, I don't know, sir.

Q The treaty of Dancing Rabbit Creek was made September 27, 1830, do you have any idea where your father was living at that time?

A No sir, I don't. I couldn't remember, of course.

Q You have no idea then where your father was living 70 years ago?

A No sir.

Q Do you know whether he or any other of your Indian ancestors were in the year 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw Tribe of Indians? A No sir.

Q Do you know the name of either of your father's parents? A I know one, Malissa.

Q That was your father's mother? A No sir, they were sisters.

Q My question is-do you know the names of either of your father's parents? A I know the names of my mother's parents but I don't know the names of my father's parents.

Q You don't know the names of your ancestors on your father's side further back than your father? A No sir.

Q Then you don't know whether any of them were recognized members of the Choctaw Tribe of Indians in 1830 or before that time? A No sir, I don't know.

Q You have no evidence that any of them were recognized members of the Tribe at that time, have you? A No sir.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know.

Q Do you know whether any of your ancestors, that is your forefathers, within six months after the treaty of Dancing Rabbit Creek was ratified, which was on February 24, 1831, signified to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A No sir, I don't know nothing about that.

Q Of course you are not old enough to remember it, but did you ever hear of such a thing? A I think I have heard of it.

Q What did you hear of it? A I heard that they had all this place settled in here, I don't know anything about it.

Q Do you know whether your father or any other of your ancestors owned an improvement here in Mississippi within the boundaries of what constituted the old Choctaw Nation in the year 1830? A No sir.

Q Did your father or any other of your Indian ancestors ever own any land in Mississippi? A Joe Indian owns land there.

Q Who is Joe Indian? A That is a fellow that lived out there.

Q Is he any relation to you? A No sir.

Q I am talking about your father? A No sir.

Henry Gully et al---5

Q Did you ever hear of your father or any of his ancestors ever receiving any land in Mississippi from the Government? A No sir, not as I remember now.

Q Did you ever see any deed or patent from the Government to anyone conveying land in Mississippi to anyone of your ancestors under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A No sir.

Q Do you know whether your father or any other of your Indian ancestors ever appeared before the Government Commissioners appointed under the Act of Congress of March 3, 1837 or August 23, 1842, and attempted to establish their rights to land in Mississippi under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Never heard of their having done such a thing as that? A No sir.

Q Do you know whether your father or any other of your Indian ancestors ever received any scrip from the Government under the Act of Congress of August 23, 1842? A No sir.

Q Are there any further statements you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers, ~~showing~~ showing that any of your ancestors were, in the year 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw Tribe of Indians, that they, any of them, complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Not as I know anything about.

Q You have no such paper? A No sir.

Q Have you any other evidence of any kind that you want to offer in support of this application? A None at all.

Q Do you know of any witnesses who might know anything about your father or his ancestors having complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q You don't know of anyone that could testify to any of these points, do you? A No sir. I have a paper I desire to file.

There is offered in evidence the joint affidavit of Sarah Ann Stephens and Julia Ann Stephens, received, marked "Exhibit-A", filed and made a part of the records in this case.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a negro, though he shows indications of being possessed of Indian blood. His hair is straight and his features resemble those of an Indian more than those of a negro. He does not speak or understand the Choctaw language.

The decision of the Commission as to your application and the application you make on behalf of your four minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will

Henry Gully et al---6

be mailed to you to your postoffice address as given in  
your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenogra-  
pher to the Commission to the Five Civilized Tribes he reported in  
full the proceedings had in the above entitled cause, heard at Mer-  
idian, Mississippi, July 2nd, 1901, and that the above and foregoing  
is a full, true and correct transcript of his stenographic notes  
taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of July, 1901,  
at Meridian, Mississippi.

  
Notary Public.

*From  
C.W.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Gully, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Henry Gully, et al., M.C.R. 2847  
Charlie Gully M.C.R. 2851  
Mary Hamilton, et al., M.C.R. 2834  
Brancie Crawford, M.C.R. 2830

—DECISION—

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Henry Gully for himself and his four minor children, Jimmy, Willie, Sola and Mary Gully; by Charlie Gully for himself; by Mary Hamilton for herself and her five minor children, Willis, Henry, Melvin, Charlie and Linnie Hamilton, and by Brancie Crawford for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was himself a slave and that the other applicants

-3-

are his lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Henry Gully, Jimmy Gully, Willie Gully, Sola Gully, Mary Gully, Charlie Gully, Mary Hamilton, Willis Hamilton, Henry Hamilton, Melvin Hamilton, Charlie Hamilton, Lizzie Hamilton and Brancie Crawford as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed)

Tame Bixby.

Acting Chairman

(Signed)

T. B. Needles.

Commissioner

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 6 1908

COPY.

M.C.R. 2847

Muskogee, Indian Territory, February 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Gully, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Gully, et al.	M.C.R. 2847
Charlie Gully	M.C.R. 2931
Mary Hamilton, et al.	M.C.R. 2934
Branche Crawford	M.C.R. 2930

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Henry Gully, Jimmy Gully, Willie Gully, Zola Gully, Mary Gully, Charlie Gully, Mary Hamilton, Willie Hamilton, Henry Hamilton, Melvin Hamilton, Charlie Hamilton, Lizzie Hamilton and Branche Crawford as such should therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Breckinridge.



COPY.

M.C.R. 2847

Muskogee, Indian Territory, February 6, 1905.

Henry Gully,

De Kalb, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of February, 1905, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Gully, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Gully, et al.	M.C.R. 2847
Charlie Gully	M.C.R. 2951
Mary Hamilton, et al.	M.C.R. 2934
Francis Crawford	M.C.R. 2950

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw and that the applications of

Henry Gully,—2

Henry Gully, Jimmy Gully, Willie Gully, Zola Gully, Mary Gully, Charlie Gully, Mary Hamilton, Willis Hamilton, Henry Hamilton, Melvin Hamilton, Charlie Hamilton, Lizzie Hamilton and Francis Crawford as such should therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*C. R. Brockinridge.*  
Commissioner in Charge.

Registered.



COPY

Muskegee, Indian Territory, February 24, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Henry Gully, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 8, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Henry Gully, et al.,	M.C.R. 2847
Charlie Gully,	M.C.R. 2931
Mary Hamilton, et al.,	M.C.R. 2934
Brancie Crawford,	M.C.R. 2930.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully

*Thomas P. Bickel*  
Chairman.

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. 2847

D.C. 14934-1903.

I.T.D. 2988-1903  
LRS.

DEPARTMENT OF THE INTERIOR.  
Washington.

J.W.H.  
FHE

May 15, 1903.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Henry Gully (M.C.R. 2847), for himself and his four minor children, Jimmy, Willie, Zola and Mary Gully; of Charlie Gully for himself; of Mary Hamilton for herself and her five minor children, Willie, Henry, Melvin, Charlie and Lizzie Hamilton; and of Brancie Crawford for herself, including your decision of February 6, 1903, refusing to identify them as such.

It seems that the principal applicant, through whom the others claim, is an one-half blood Choctaw, and that he was born in Kemper County, Mississippi, in 1845. He is an ex-slave. He obtained his Choctaw blood from his father, Amos Lubaker, who was born 15 or 20 years before the treaty of 1830, and who lived in Kemper County, Mississippi.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. In said report he furnished certain information showing that there were two persons named Amos who received scrip under the provisions of article 14 of the treaty of 1830. There is

nothing in the record however, from which it can be determined that either of them was identical in person with the said Anson Subaker.

The Department concurring in the recommendation of the Acting Commissioner for the reasons stated by him, your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

Land  
13876-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.  
March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Henry Gully, for himself and his four minor children, Jimmy, Willie, Zola and Mary Gully; Charlie Gully; Mary Hamilton, for herself and her five minor children, Willis, Henry, Melvin, Charlie and Lizzie Hamilton; and Brancis Crawford, wherein a decision adverse to the applicants was rendered by the Commission on February 6th, 1903.

An examination of the evidence in this case shows that the principal applicant, through whom all the others claim, states that he is the illegitimate son of Amos, a Choctaw Indian, by a slave mother. He knows nothing with reference to his father other than his name, and can not state that he ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission states, in its decision rejecting these applicants, that it is of the opinion that no freedman is entitled to identification as a Mississippi Choctaw.

The office has examined its records in reference to this case, and it is found that there was one child named Amos, under ten years of age, who received scrip under the 14th article of the Choctaw treaty, who was a son of Ah-wan-tubbee, and another Amos, born after the treaty of 1830, his father being Pa-saptubbee, this Amos having received scrip as a child over ten years of age. It is stated by the applicant in chief that his father, Amos, had a sister Malissa. Ah-wan-tubbee had no daughter Malissa, and Pa-sa-tubbee died 3 years after the treaty without any such child. The name given as that of an ancestor through whom identification is claimed is Amos Labaker, and this name is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I have therefore, to recommend that the decision of the Commission, in so far as it rejects these applicants, be approved.

Very respectfully,

(Signed) A. C. TOLSON

Acting Commissioner.

H.B.H. H'r.

3 enclosures.

COPY.

M.C.R. 2547

McAlester, Indian Territory, May 29, 1903.

Henry Gully,

De Kalb, Mississippi.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Gully, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

WITNESSED:

*T. B. Needles.*

Commissioner in Charge.

COPY!

N.C.R. 2847

Muskogee, Indian Territory, May 29, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of May, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Gully, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

(SIGNED):

*F. E. Needles*

Commissioner in Charge.

Consolidated Case  
of  
Henry Gully esq.

2847

CARD No. NAME RESIDENCE COUNTY POST OFFICE Age Sex



Amos Indian (fl.)  
(to Amos Sabaker)

↓  
Lettie Scott  
(neg - slave - (dead))

(A. - ...  
was ... to ...)

mar  
28/7  
Henry Gully 56 1/2 yrs  
- slave  
mar  
(1) Lucy Scott  
dead  
(2) Rachel Grady 28  
(negro)

mar  
28/7  
Jimmy Gully 10  
Willie " 6  
Gola " 3  
Mary " 6 wks

mar  
29/31  
Charlie Gully 23-1/4  
wife  
Charlotte Gully  
(negro)

mar  
29/34  
Mary Gully 23-1/4  
mar  
(or Hampton)  
Jasper Hamilton  
(negro) - dead -  
(+ Bob Nealy  
father of Charlie Lizzie)

mar  
29/30  
Brancie Gully 17-1/4  
(or Brancy)  
mar  
Henry Crawford  
(negro)

mar  
29/34  
Willie Hamilton 10  
Henry " 6  
Melvin " 5  
Charlie " 4  
Lizzie " 11 mo ) + illegitimate

#1070

No.

For Identification as a Mississippi Choctaw.

Date JUL 3 1901

Name Henry Gully

Age 56 Blood 1/2

Post Office, DeKalb, Miss.

Father: Amos Indian d

Mother: Lettie Scott d

Claims through father  
wife Rachel Gully (negro) 28 d  
Father Jack Grady d  
Mother Margaret d

(no claim for wife)

Children:

~~James~~  
Jimmy Gully (M) 10

Millie " (F) 6

Gola " (F) 3

Mary " (F) 6

(Claims for self and

4 minor children)

Stenographer

J. L. Miles

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

R. 2847

*Henry Gully et al*

REFUSED

DECISION RENDERED FEB 6- 1903

NO. 1000 APPLICANT

FOR IDENTIFICATION

FOR IDENTIFICATION

FOR IDENTIFICATION  
AND CHOCTAW

REFER TO M.O.R. 2931-2934-2936

Choctaw MCR 2848

Nancy Philip

MCR 2848

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----  
In the Matter of the Application of Nancy Philip for  
Identification as a Mississippi Choctaw.

M. C. R. 2848.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Nancy Philip for  
Identification as a Mississippi Choctaw.

- - I N D E X . - -

Original application of Nancy Philip for identification as a Mississippi Choctaw .....	1
Decision of the Commission identifying said applicant .....	4.

2845

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 3rd, 1901.

In the matter of the application of Nancy Philip for the identification of herself as a Mississippi Choctaw.

Said Nancy Philip, being first duly sworn through Isham Johnston, sworn Choctaw interpreter, testified as follows:-

Examination by the Commission.

- Q What is your name? A Nancy Philip.  
Q What is your age? A Eighteen.  
Q What is your postoffice address? A Hemlock, Neshoba County, Mississippi.  
Q How long have you lived at Hemlock? A All life.  
Q Were you born there? A Yes.  
Q What is your father's name? A Archie Jim.  
Q Is he living? A Yes.  
Q Is he a full blood Choctaw Indian? A Yes.  
Q Is your mother living? A Dead.  
Q What was your mother's name? A Jane.  
Q Was she a full blood Choctaw Indian? A Yes.  
Q Do you claim to be a full blood Choctaw Indian? A Yes.  
Q Do you make this claim through both your father and mother? A Yes.  
Q Have your parents, your father and mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Wesley Philip.  
Q Is he a full blood Choctaw Indian? A Yes.  
Q Is he the same Wesley Philip who made application for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes on the third day of April, 1901? A Yes.  
Q When were you married to Wesley Philip? What day? A Three months ago.  
Q What day was it? A Third of May, 1901.  
Q Where were you married? A In Neshoba County, Mississippi.  
Q How were you married? By a license and a minister, or by Choctaw custom? A Choctaw custom.

This applicant was married on May 3rd, 1901, to Wesley Philip who appeared for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, on the 31st day of January, 1899, as shown by Mississippi Choctaw Card, Field No. 201, his name appearing thereon as Wesley Philip. The names of his wife, Bettie, and his daughter Maggie also appear on said card and a notation that Bettie died in January 1900, see testimony taken April 3rd, 1901.

- Q Are you making application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? Did you go out to the Territory and get enrolled out there? A No.

Nancy Philip---2

Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe? Did you ever ask them to put your name on the rolls out there?

A No.

Q Did you or did anyone for you in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes in the Indian Territory? A No.

Q Have you ever been made a citizen in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A No.

Q Have you ever made application before this time to either the Choctaw Tribal authorities or to the United States authorities to be admitted as a citizen or to be made a citizen of the Choctaw Nation? A No.

Q Is this the first application you ever made of any kind? A Yes.

Q Do you now want to be recognized and identified as a Mississippi Choctaw? A Yes.

Q Do you claim your right to be identified as a Mississippi Choctaw under article 14 of the treaty of 1830, the treaty of Dancing Rabbit Creek that was made between the United States Government and the Choctaw Indians? A Yes.

Q Have you ever received any land or money or other benefits from the Government as a Choctaw Indian? A No.

Q Have your ancestors-- I mean by your ancestors your kin folks, your forefathers, -- ever received any land or money or other benefits as Choctaw Indians? A No.

Q Can you give me the name of any of your ancestors, I mean your kin folks, Your father's and Mother's father and mother, or grandfather or grandmother, who lived in the old Choctaw Nation in Mississippi or Alabama and who were known to be acknowledged members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians? Any of your kin folks is what I mean? A My grandmother, my mother's mother was named Ma-lacussen.

Q Can you give me the names of any others of your ancestors, your Indian ancestors? A No, don't know.

Q Do you know whether any of your ancestors, your grandfather or great grandmother, removed from the territory occupied by the Choctaw Nation in Mississippi or Alabama and went to the Indian Territory where the Choctaws now live at the time when the other members of the Choctaw Tribe went, between the years 1833 and 1838? Did any of your people go out there? A Don't know.

Q Did any of your ancestors, your grandfather or grandmother, on either side, go to the United States Indian Agent in Mississippi within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, they didn't want to go to the Territory, and wanted to become citizens of the United States? A Don't know.

Q Have any of your ancestors, grandfather, grandmother, great grandfather or great-grandmother, any of them, ever claimed or obtained any land from the Government of the United States in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No.

Q Do you speak the English language? A No.

Q Do you speak the Choctaw language all the time? A Yes.

Q Do you want to say anything more now about your claim? A No.



Nancy Philip---3

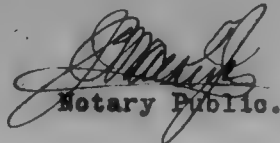
Q Have you any documentary evidence, written testimony of any description, affidavits, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No.

This applicant has the appearance and every characteristic of a full blood Choctaw Indian. She does not speak the English language, her testimony having been given throughout by means of a sworn Choctaw Interpreter. She has no knowledge of the compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause heard at Meridian, Mississippi, July 3rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 24th day of July, 1901, at Meridian, Mississippi.

  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Cow*  
In the Matter of the Application of Nancy Philip for  
Identification as a Mississippi Choctaw.

M. C. R. 2848.

- D E C I S I O N . - -

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on July 3, 1901, by Nancy Philip, for herself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent

to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Nancy Philip should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

M.C.R. 2818

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Nancy Philip as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Nancy Philip as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered  
Enclosure G.H. 56

*James Birt*  
Acting Chairman

COPY.

M.C.R. 2848

Muskogee, Indian Territory, March 11, 1903.

Nancy Philip,

Hemlock, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 841).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby*

Chairman.

Registered.

Enc. 2848.

A MISSISSIPPI CHOCTAW

*Nancy Philip.*

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903 -

#1071

No

For Identification as a Mississippi Choctaw.

Date

1901

Name *Nancy Phillip*

Age *18* Blood *full.*

Post Office, *Hemlock, Mass.*

Father: *Archie Jim, f.b. (d)*

Mother: *Jane f.b. (d)*

Claims through *both parents*

*Husband*  
*Wesley Phillip f.b.*

Children:

*Claims for self*  
*alone*

Stenographer

*J. A. Nelson*

Choctaw MCR 2849

Clara A. Deshazer

MCR 2849



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clara A. Deshazer, et  
al., for identification as Mississippi Choctaws, M.C.A. 2849.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Clara A. Deshazer, et al.

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 8, 1901.

#2849

In the matter of the application of Clara A. Deshaser for the identification of herself and her minor child as Mississippi Choctaws Clara A. Deshaser being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Clara A. Deshaser.  
Q What is your age? A Twenty-three.  
Q What is your post-office address? A Caney, I.T.  
Q How long have you lived there? A Since March, 1901.  
Q Where did you live before that? A Oklahoma City; not City, but County.  
Q How long did you live in Oklahoma? A Twelve years.  
Q Where did you live before that? A Sherman, Texas.  
Q How long did you live in Texas? A Lets see; I lived there ten years.  
Q Were you born in Texas? A Yes, I was born in Paris Texas.  
Q You never lived in Mississippi? A No.  
Q What is your father's name? A John E.B. Tisington.  
Q How do you spell that? A T-i-s-s-i-n-g-t-o-n-  
Q Is he living? A Yes.  
Q What is your mother's name? A Barbara A.B. Tisington.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Yes.  
Q Where and when? A At Muskogee.  
Q When? A I can't remember the date but it was last September.  
Q Well, was she enrolled? A She put in her application.  
Q Oh, she put in application for identification as a Mississippi Choctaw? A Yes.

The records of the Commission show that on September 7, 1900, Barbara A. Tisington applied for the identification of herself and five minor children as Mississippi Choctaws.

- Q Was your mother ever enrolled in Mississippi? A No.  
Q Was your mother ever enrolled on any of the tribal rolls by the Choctaw tribal authorities as a member of the Choctaw tribe? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A T.B. Deshaser.  
Q Is he living? A Yes.  
Q Do you make application on behalf of your husband? A No.  
Q He is a white man? A No, he is a Cherokee.  
Q Is he an enrolled member of the Choctaw tribe? A Not as I know; no he is not.  
Q Have you any children for whom you wish to make application at this time? A Yes this one.  
Q Give the name and age. A Charley A. Deshaser.  
Q How old? A Seven months.  
Q You are the mother of this child? A Yes.  
Q What is the name of its father? A T.B. Deshaser.

Clara A. Deshaizer---2

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of the Choctaw tribe? A No.

Q Did any one for you or did you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for your self or your child for to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified as a Mississippi Choctaw? A By blood, by Choctaw blood.

Q You claim then that you have a right to be identified because you are possessed of Choctaw blood? A Yes.

Q Do you make any other claim? A No.

Q Do you claim under any of the laws or treaties between the United States and the Choctaw Indians? A 1400/

Q Fourteen hundred what? (No answer).

Q What do you mean by fourteen hundred? A Well, the treaty that was made at that time.

Q The treaty of 1400? (No answer).

Q Do you mean the treaty that was made in the year fourteen hundred? A I don't know.

Q The authority vested in the Commission is to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty of 1830. The treaty of 1830 was entered into between the United States and the Choctaw Indians then living in the State of Mississippi. At that time Mississippi was being settled up by white people and it was the desire of the United States to open that State up for settlement. And in order to do this it was necessary to remove the Indians to a country West of the Mississippi River; but the United States could not get any treaty with the Indians until some provision was made for those who wanted to stay in Mississippi. So this fourteenth article was made a part of the treaty and provided for the Indians who didn't want to come West. Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, they are not to be entitled to any portion of the Choctaw annuity." This means that if those Choctaw Indians who didn't want to come West would go to the Indian Agent there in Mississippi

Clara A. DeShazer---3

within six months after this treaty was ratified by the United States and the Choctaw Indians and told him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States they could do so and they would receive lands there in Mississippi; and that in doing so they would not lose the privilege of Choctaw citizenship, but should they ever remove, were not to be entitled to any portion of the Choctaw annuity. Do you claim under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q Do you know what is meant by the word "ancestor"? A Yes.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was entered into? A I don't know the names.

Q You don't know the names of your ancestors? A I know my grandfather.

Q What was his name? A John Brown.

Q Was he a Choctaw Indian? A Yes.

Q Did he live in Mississippi in 1830? A I don't know.

Q John Brown was your mother's father? A Yes.

Q And did your grandfather get his Indian blood through his mother or his father? A I don't know.

Q You don't know anything about your ancestors then farther back than John Brown? A No.

Q Do you know what your grandmother's name was? A Acenoth Brown was his wife.

Q Did she have any Choctaw blood? A No.

Q Are these grandparents of yours living yet? A Grandmother is.

Q Where does she live? A Oklahoma.

Q Did your grandfather ever live in Mississippi? A I don't know.

Q Does your grandmother know anything about your grandfather's residence or about his people or his Indian blood? A No.

Q She does not know anything at all? A No.

Q Does she know whether he ever lived in Mississippi? A No.

Q How long was she married to him? A Fifteen years.

Q How long has he been dead? A I don't know exactly.

Q About how many years? A About 27 years I think.

Q And he never lived in Mississippi after he married your grandmother, then? A No.

Q Is there any one living who knows anything at all about your grandfather and whether he lived in Mississippi in 1830? A I don't know.

Q Do you know how old he was when he died? A No; thirty-nine, I think.

Q And he has been dead 27 years? A Yes, I think so.

Q Well, he could scarcely have been living in 1830? A No.

Q Is there any one living who knows anything at all about his people? A O I don't know.

Q Well, do you understand that it is very material to your case that you have some one who knows about your ancestors to testify as to whether they were Choctaw Indians and lived in Mississippi in 1830? A I don't know.

Q You didn't know that it made any difference? (No answer).

Q Well, do you realize now that it makes a difference in your application whether you have some witnesses who can tell something about your parents or great-grandparents? A Why, yes.

Q You don't know anything about whether your great-grandfather lived in Mississippi? A No, I don't know.

Q You don't even know his name? A No.

Q You don't know whether it was your grandfather's father or mother who was Indian, you said? A No, I don't know.

Q Don't you know whether this ancestor who may have lived in Miss-

Clara A. Deshaser---4

Mississippi in 1830 came West with the other Choctaw Indians? A No.

Q You don't know whether if he did not come West, he went to the Indian Agent to the Choctaw Indians in Mississippi and told him that he wanted to stay in Mississippi and take land there instead of coming West with the other members of the tribe? A I don't know.

Q Have any of your ancestors ever received any land in Mississippi? A I don't know.

Q Do you know whether they ever owned any land in Mississippi or Arkansas or Alabama which they received from the United States Government? A I don't know.

Q Do you know whether they ever got any scrip from the government under the treaty of 1830? A I don't know.

Q Is there anything else you would like to say in support of your application? A No.

Q Have you any affidavits or documentary evidence of any kind that you want to file now? A No.

Q You say you know of no witnesses living now who could tell any thing about your ancestors? A None only my grandfather.

Q Have you any witnesses who could testify as to your grandfather? A Well, not here.

Q Are there any people living who know about your grandfather and as to whether he had Choctaw blood and lived in the State of Mississippi? A Yes.

Q Could you get them before the Commission? A Not today; I could send the affidavits in.

Q Could you bring these people here in person to testify? A I don't know whether I could or not.

Q Should you desire to offer any other evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, the Commission will accept the same and make them a part of the record in your case.

If you cannot get these witnesses before the Commission in person, could you get their depositions? A Yes.

Q Where do they live? A Sherman, Texas.

Q That is not very far away; can't you bring them in person up here? A I don't know whether I could or not.

Q Can you talk the Choctaw language? A No.

Q Could your mother? A No.

Q Could your grandfather? A I don't know.

Q How much Choctaw blood do you claim your grandfather had? A I don't know how much he claimed.

This applicant shows none of the characteristics of an Indian, although somewhat dark, having dark eyes and hair; her features are those common to the white race. She does not speak the Choctaw language and knew nothing of any compliance of any of her ancestors with the provisions of the fourteenth article of the treaty of 1830; she knows not hing about her ancestors farther back than her grandfather, who, from her testimony, does not appear to have lived in the State of Mississippi in 1830, or to have been living at all at that time. She knows of no witnesses who could testify farther back, as to her ancestors, than her grandfather.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and fore going is a full, true and correct trans-



Clara A. Decker---

cript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 27 day of July, 1901.

R. H. Linebaugh  
Notary Public.

J.H.W.  
C.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clara A. Deshazer, et al., for identification as Mississippi Choctaws, M.C.R. 2849.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Clara A. Deshazer for herself and her minor child, Charley A. Deshazer, under the following provision of the act of Congress approved June 23, 1898 (30 Stat., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application and the records in the possession of the Commission, it does not appear that either of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in

Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

The record herein shows that the applicants are too young to have been living in 1830 and fails to show the name of a more remote Choctaw ancestor through whom they claim than the grandfather of the principal applicant, who, according to the testimony, would have been sixty-six years of age in 1901 and could not, therefore, have been living in 1830. The record shows that the principal applicant is ignorant of the names of any of her ancestors other than her mother and grandfather. Although she has had more than a year in which to secure such evidence, tending to show who said ancestors were, she has not offered to submit such additional proof.

The evidence being insufficient to determine the identity of Clara A. Deshauser and Charley A. Deshauser as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Larns Dixby.  
Acting Chairman.

Muskogee, Indian Territory,

T. B. Neelley.  
Commissioner.

AFC 3 1902

C. F. Brockinridge.  
Commissioner.



OOPV

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Clara A. Deshaser, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Clara A. Deshaser and Charley A. Deshaser as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Acting Chairman.

COPY.

Muskegee, Indian Territory, December 3, 1902.

Clara A. Deshazer,

Caney, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Clara A. Deshazer, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Clara A. Deshazer and Charley A. Deshazer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Mrs. A. Deshauser

case, together with such arguments, will be forwarded for review  
to the Secretary of the Interior through the Commissioner of Indian  
Affairs.

Respectfully,

SIGNED

*Fannie Bixby*

Acting Chairman,

Registered.

M. C. R. 2849

Muskogee, Indian Territory, December 17, 1902.

Clara A. Deshaser,

Caney, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th inst., in which you state that you received notice from the Commission of the refusal of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You further state that your case should be consolidated with the case of your mother, Barbara A. Tisington, M.C.R. 653, and Sarah Willard, and that you should have the benefit of the evidence submitted in their cases.

In reply you are informed that the fifteen days granted you from December 3, 1902, within which to file arguments in your case, to be transmitted to the Secretary of the Interior, expires on December 18, 1902. On December 19, 1902, the record in your case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

You are further advised that on June 23, 1902, the Secretary of the Interior approved the decision of this Commission refusing the applications of Barbara A. Tisington and Sarah Willard,

C. A. D. 2.

and they were notified of such departmental action on July 2, 1902.  
The Commission considers these cases closed.

Respectfully,

Acting Chairman.



COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Clara A. Deshaizer, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the principal applicant and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated case of Sarah Willard, et al., decision in which was rendered by the Commission on May 13, 1902, and approved by the Secretary on June 23, 1902.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2849.

*T. D. Needles*

COMMISSIONER IN CHARGE

*Not in the file*

-1- COPY -1-

D.C. 5906

ITD.1590-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

EAF.

February 27, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 12, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Clara A. Deshazer and her minor child, Charley A. Deshazer, including your decision of December 3, 1902, denying the application.

The applicants claim rights in Choctaw lands under the act of June 28, 1898 (30 Stat., 495), but are unable to give the name of any ancestor who was living in Mississippi in 1830.

It is alleged that John Brown, grandfather of the principal applicant, would have been 66 years of age in 1901, and the Acting Commissioner of Indian Affairs reports that his name is not among the names of those who complied or attempted to comply with article 14 of the treaty of September 27, 1830, and he recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

-- COPY --

Land.

75906-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 12, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Clara A. Deshazer, for herself and child Charley A. Deshazer, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

It appears from the evidence in this case that John Brown was too young to have been living in 1830; it fails to show the name of a more remote Choctaw ancestor through whom they claim than the grandfather of the principal applicant, John Brown, who would have been sixty-six years of age in 1901, and could not have been living in 1830. The principal applicant is ignorant of the names of any of her ancestors other than her mother and grandfather.

The Commission bases its decision rejecting these parties on the ground that the evidence is insufficient to determine the identity of the applicants as Choctaw Indians entitled to share in the privileges of the 14th article of the Choctaw treaty of 1830.



-:- 2 -:-

An examination of the records of this office discloses the fact that the name of John Brown does not appear in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1850, and as the evidence of record is insufficient to admit of a more thorough search, it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

M.C.R. 2849.

COPY.

Mustagee, Indian Territory, March 12, 1903.

Clara A. Deshaizer,  
Caney, Indian Territory.

Dear Madam:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Clara A. Deshaizer, et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

SIGNED:

*James Bixby*  
Chairman.

N.C.R. 2849.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Cheataw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Cheataws of the several persons included in the case of Clara A. Deshaizer, et al., of which decision you were advised by mail on the 3rd day of December, 1902.

Respectfully,

(SIGNED).

*Tamc Dabry.*

Chairman.

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name Clara A Deschazer

Age 23 Blood 7/8

Post Office, Carey, L.T.

Father: John E. B. Trisington

Mother: Barbara A. B. "

Claims through mother  
husband: B. Deschazer (Cherokee)  
(no claim for him)

Children:

Charley A. Deschazer, Jr.

Claims for herself and  
one child.

Stenographer

Henry G. Hains

*Clara A. Deshazer et al.*  
*R. 284*

REFUSED

DECISION RENDERED. DEC 3 1902

NOT DECISION MAILED APPLICANT.

DEC 3 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 3 1902

RECORD FORWARDED DEPARTMENT.

DEC 10 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 27 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 12 1903

Choctaw MCR 2850

Effie Odell

See MCR 1382

MCR 2850

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 6, 1901.

2850

In the matter of the application of Effie Odell for the identification of herself and her minor child as Mississippi Choctaws. Effie Odell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Effie Odell.  
Q O-d-e-l-l? A Yes.  
Q What is your age? A Twenty-six.  
Q What is your post-office address? A Dixie, ~~Texas~~ I. T.  
Q How long have you lived there? A About thirteen years.  
Q Where did you live before you lived there? A Comanche County, Texas.  
Q How long did you live in Texas? A I was born and raised there.  
Q You never lived outside of the State of Texas until you moved to the Indian Territory? A No.  
Q What is your father's name? A William Howell.  
Q Is he living? A Yes.  
Q What is your mother's name? Elizabeth Howell.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognised in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Yes.  
Q When and where? A She was here in February, wasn't it?  
Q You mean that your mother came here and made application for identification as a Mississippi Choctaw? A Yes.

On February 11, 1901, Elizabeth Howard, (#1382 M.C.R.), appeared before the Commission and made application for the identification of herself and her three minor children as Mississippi Choctaws.

- Q Well, now, was she ever enrolled by either the Choctaw tribal authorities or the authorities of the United States as a member of the Choctaw tribe of Indians? A Not that I knew of.  
Q Was she ever enrolled in Mississippi? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Joe Odell.  
Q Is he living? A Yes.  
Q Do you make application on behalf of your husband? A No.  
Q He is a white man and makes no claim to Indian blood? A None.  
Q Have you any children for whom you wish to make application at this time? A I have one.  
Q Well, do you want to make application for that child? A Yes.  
Q What is its name and age? A Its thirteen months; Ora Odell.  
Q Boy or girl? A Girl.  
Q You are the mother of this child? A Yes.  
Q What is the name of its father? A Joe Odell.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes, that is this Commission, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No, not that I knew of.

Effie Odell---2

Q Well, that is five years ago; wouldn't you know if you had made application then? A I didn't.

Q Well, did you give any one else authority to make one for you?

A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission, or by the judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time for yourself or your child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Do you now come here to make application for identification as a Mississippi Choctaw? A Yes.

Q What makes you think you have a right now to be identified as a Choctaw Indian? A I don't know.

Q Well, why do you come here then, to make application for identification as a Mississippi Choctaw? A Cause I was always so told.

Q You were always told that you were a Mississippi Choctaw? A Yes.

Q And that is why you come here? A Yes.

Q Do you make any claim under any of the laws of the United States or the treaties between the United States and the Choctaw Indians?

A No.

Q You make your claim just because you have been told that you have Choctaw blood? A Yes.

Q The authority vested in the Commission is to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830. In 1830 the United States wanted to remove the Indians who lived there in Mississippi to a country West of the Mississippi River and found it impossible to get a treaty with those Indians that did not provide for the Choctaws that didn't want to come West; so this fourteenth article was put into the treaty for the benefit of those Indians who didn't want to come West but wanted to stay in Mississippi; that fourteenth article of the treaty of 1830 reads as follows: "each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying in writing their intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who wanted to stay in Mississippi could go to the United States Indian Agent there and told him that they didn't want to come West and they would receive lands there in Mississippi. And if they stayed on that land for five years they would get a patent to it. And the article further provided that if they ever removed, they were not to lose the privilege of a Choctaw citizen, but were not to be entitled to any portion of the Choctaw annuities.

Q Do you claim anything under this article? A I don't know.

Q You make your claim then just because you have Indian blood? A Yes.

Q You don't think that you derive any rights under this fourteenth article of the treaty of 1830? A Yes.

Q You think you do? A Yes.

Q Well, do you claim under that also? A Yes.



Effie Odell---3

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know what is meant by the word "ancestor"? A Relations, aint it?

Q It means you relations back in a direct line; your mother or father, grandmother or grandfather or great-grandfather or great-grandmother? A Anybody.

Q What was the name of your ancestor, your mother's father or mother or grandfather or grandmother or her grandparents who lived in the old Choctaw nation in Mississippi or Alabama in 1830 when this treaty was entered into between the United States and the Choctaw Indians?

A Did they live in Mississippi?

Q No, I said what was the name of that ancestor who lived in Mississippi? A Henson.

Q Henson? A Yes.

Q What was the first name; what was the Christian name? A I don't know; no.

Q Was this a man or woman? A Man.

Q What relation was he to you? A He was my great-grandfather.

Q Your great grandfather? A Yes.

Q But you don't know his first name? A No.

Q Is there any body living who does know anything about your great-grandfather? A Yes.

Q Who is it? A My mother knows.

Q Did she ever see him? A Yes.

Q She knows about him personally? A Yes.

Q Well is there any one else any one outside of your family not interested in this case who could testify? A Yes.

Q Well, do you know who and where they are? A They are here in the Territory.

Q They live here in the Territory? A Yes.

Q Could you bring them here before the Commission? A No.

Q Why not? A I could send their affidavits; my mother is not able to come.

Q Well, could you get any one else beside your mother who knows these people personally and could tell anything about them? A Yes.

Q Well, could you bring them before the Commission? A I don't know whether they would come or not, but I could send their affidavits.

Q It would be much better for you to bring them here before the Commission; why cant you have them brought here personally? A Well, I don't know whether they would come or not.

Q Well, it is very material that you should have the evidence of people who knew something about your ancestors; you don't seem to know very much about them and their names. Did this Henson, your great-grandfather, come West with the other Indians between 1833 and 1838? A I don't know.

Q If he did not come West with the other Indians do you know whether he went to the Indian Agent there in Mississippi and told him that he did not want to come West, that he wanted to stay in Mississippi and become a citizen of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Have any of them ever received any land from the Government under the treaty of 1830? A I don't know.

Q Did any of them ever get any scrip from the Government? A I don't know.

Q Is there any thing further you would like to say in support of your application? A No.

Q Have you any affidavits or evidence of any kind that you want to file now, any copies of deeds or records? A No.

Q Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their deposition or affidavits, the Commission will accept the same and make them a

Hffie Odell---4

part of the record in your case. Do you speak Choctaw? A No.

Q Does your mother? A No.

Q Do you know if your grandfather did? A I don't know.

Q What was your grandfather's name? A Howell.

Q Your mother's father? A No, his name was Dunn.

Q Was he a Choctaw Indian? A No.

Q Was it your grandmother Dunn was Choctaw? A My grand-father.

Q Your grandfather Dunn, what was his other name do you know? A No.

Q Do you know if your great-grandfather spoke Choctaw? A No.

Q Do you know how much Choctaw blood your great-grandfather claimed?

A No.

This applicant has not the appearance of a person with Indian blood; although her eyes and complexion are dark and her cheek bones a trifle high; her hair is dark and somewhat curly, and her general appearance is that of a white person. She does not speak the Choctaw language and knows nothing of any compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She does not know the Christian name of the ancestor through whom she claims.-----

Q Did your great-grandfather live in Mississippi in 1830? A I don't know- I think he did though- I can't say.

and does not know whether he lived in Mississippi at the time of the making of the treaty.

#####

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 22 day of July 1901.

D. W. Linebaugh

Notary Public.

Muskogee, Indian Territory, July 26, 1901.

Mr. Joe W. Odell,

Dixie, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24th, in which you state that your wife is a native of the Choctaw Nation and that her mother Mrs. Elisabeth Howell, and her sister Mrs. Ann Coppedge and Martha Burleson have already been enrolled as citizens of the Choctaw Nation. You desire to know whether the proof submitted by your wives mother and sister will not be sufficient in her case.

You are informed that it appears from our records that subsequent to the date of your letter of July 8th, 1901, Effie Odell, twenty-six years of age, of Dixie, Indian Territory, daughter of William and Elisabeth Howell, appeared before the Commission at Atoka, Indian Territory and applied for identification of herself and her minor child as Mississippi Choctaws. At that time she was fully advised as to the evidence in her case.

Relative to your statement as to her mother and sister having been enrolled as citizens of the Choctaw Nation, you are informed that it does not appear that any persons by these names have been enrolled as citizens of the Choctaw Nation.

JWO 55.

It does appear however that Elizabeth Howell, Ann Gorrage and Martha Burleson have appeared before this Commission as applicants for identification as Mississippi Choctaws. No decision has been rendered or any opinion formulated as to the rights of such claimants and it is probable that no decision will be rendered in the cases of Effie Odell or the other applicants named herein for some time to come.

Yours truly,

Commissioner in charge.

MO-2850

Muskogee, Indian Territory, July 26, 1901.

Effie Odell,

Dixie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of Elizabeth Howell offered by you for filing in support of your application for identification of yourself and minor child as Mississippi Choctaws. The same has been made a part of the records in your case and will receive consideration in determining the rights of yourself and child for identification as Mississippi Choctaws.

Yours truly,

Commissioner in charge.

HD-2830

COPY.

M O R 2850

Muskogee, Indian Territory, May 27, 1902.

Effie Odell,

Dixie, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Howell, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Howell, et al.,	M O R 1382
Annie Coppedge, et al.,	M O R 1383
Martha Burleson, et al.,	M O R 1384
Moss Henson,	M O R 1528
Jennie Howell, et al.,	M O R 1523
Effie Odell, et al.,	M O R 2850
Charley Howell,	M O R 2861
John W. Dunn, et al.,	M O R 2862
Lela Coppedge, et al.,	M O R 5145
Martha Garley, et al.,	M O R 5146

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1892, (50 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

COPY.

B 0-----2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Elizabeth Howell, Ida Howell, Ada Howell, Dora Howell, Annie Coppedge, William F. Coppedge, Della Coppedge, Warren Coppedge, Samuel Coppedge, Effie Coppedge, Martha Burleson, William A. Burleson, Riley Burleson, Elmer Burleson, Clarence Burleson, Morris T. Burleson, Emmet G. Burleson, Thomas Burleson, Moss Henson, Jennie Howell, Willie Howell, Oia Howell, Effie Odell, Ora Odell, Charley Howell, John W. Dunn, George Washington Dunn, Elva Adaline Dunn, James Madison Dunn, John Leslie Dunn, Annie Lee Dunn, Mary Isabel Dunn, Lola Coppedge, Charlie Coppedge, Emmet Coppedge, Wallace Coppedge, Martha Cerley and Pauline Cerley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

*Tams Dixey*  
Acting Chairman.

Registered.

WPK



COPY.

M.C. R. 2850

Muskogee, Indian Territory, July 28, 1902.

Effie Odell,

Dixie, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Howell, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED).

*I. B. Needles*

Commissioner in Charge.



MCR 2850

COPY

Muskogee, Indian Territory, November 14, 1906.

Effie Odell,

Dixie, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed in this office June 23, 1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory, for re-opening and re-consideration of the consolidated Mississippi Choctaw case of Elizabeth Howell, et al.

Respectfully,

SIGNED

*Cams Bixby*  
Commissioner.

No. 2850

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name Effie Odell 7/16

Age 26 Blood 1/16

Post Office, Dixie, L. T.

Father: William Howell

Mother: Elizabeth "

Claims through mother

Husband: Joe Odell  
(no claim for him)

Children:

Ora Odell F 13 mo.

Claims for self and one  
child

See MCR 1382

Stenographer

Henry G. Hains.

Choctaw MCR 2851

Charley Howell

See MCR 1382

MCR 2851

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, Indian Territory, July 8, 1901.

2851

In the matter of the application of Charley Howell for identification as a Mississippi Choctaw.

Charley Howell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charley Howell.  
Q What is your age? A Twenty two.  
Q What is your post-office address? A Elmo, I.T.  
Q How long have you lived there? A About six months.  
Q Where did you live before that? A Dixie.  
Q How long have you lived in the Indian Territory? A About hardly thirteen years.  
Q Where did you live before you lived in the Indian Territory?  
A In Texas.  
Q How long did you live in Texas? A Lived in Texas about- well I was born there.  
Q And lived there all the time until you moved to the Territory?  
A Yes.  
Q What is your father's name? A William Howell.  
Q Is he living? A Yes.  
Q What is your mother's name? A Elizabeth Howell.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A Well, she claims one quarter.  
Q How much do you claim? A One sixteenth I reckon.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No; I don't know.  
Q She has applied for identification as a Mississippi Choctaw, has she? A Yes.

On Feb. 11, 1901, Elizabeth Howell (M.C.R. 1382) appeared before the Commission and made application for the identification of herself and her three minor children as Mississippi Choctaws.

- Q Are you married? A Yes.  
Q What is your wife's name? A Lennie Howell.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q She is a white woman and makes no claim to Indian blood? A Yes.  
Q Have you any children for whom you wish to make application at this time? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?  
A No.  
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Charley Howell---2

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A I don't understand you.

Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q This is the first application of any description you have ever made? A Yes.

Q And you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim the right to identification as a Mississippi Choctaw? A Well, I have been taught by my parents that I had the Choctaw blood.

Q You claim then because you have always been taught that you are a Choctaw Indian? A Yes.

Q Do you make any claim under any of the laws or treaties between the United States and the Choctaw Indians? A Do I make any claim? No.

Q You don't claim under any of the treaties or laws then? A I don't understand just what you mean by that.

Q In 1830 the State of Mississippi was being settled up by white people and the United States was no longer able to protect the Indians there in their tribal government and therefore wanted to make a treaty with them removing them to lands West of the Mississippi River; but it was found impossible to make a treaty with them without making some provisions for those who didn't want to come West but wanted to stay there in Mississippi; so article fourteen was made for the benefit of those Indians who wanted to stay there in the State of Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Do you understand what that article means? A Well, I suppose I do, but I don't know whether they ever did or not.

Q Well, just tell us what you think this article means? A Well, what I think the meaning of it is- it means that those Indians who have taken their lands in Mississippi - why, you mean whether my ancestors have ever taken their allotments in Mississippi or not?

Q I was not asking you that question then, I was just asking you what you understood by that article? It means that those Indians who wanted to stay in Mississippi could do so by going to the Indian agent there in Mississippi and get land, and by doing that they were not to lose the right of a Choctaw citizen, but if they ever removed were not to get any part of the Choctaw annuity. Now do you make any claim under this article? A No, I don't make any claim under that.

Q You claim your right then solely because you have been taught you are possessed of Choctaw blood? A Yes.

- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.
- Q Do you know what is meant by the word ancestor? A Yes.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama when this treaty was entered into between the United States and the Choctaw Nation? A Well, I don't know, my grandfather's name was Bill Henson.
- Q Is that your grandfather's name? A Yes; my great-grandfather's name I don't know.
- Q Was Bill Henson your mother's father? A Yes.
- Q And did he live in Mississippi in 1830? A That's what my mother says.
- Q Is your grandfather living now? A No.
- Q About how long has he been dead? A About twenty years.
- Q Do you know about how old he was when he died? A No, I don't.
- Q You don't know whether he was living in 1830 or not? A No I don't.
- Q Is there any body living who knows anything about your ancestors, your grandfather or great-grandfather or whether they lived in Mississippi in 1830? A Yes.
- Q Do you know who they are and where they live? A Yes.
- Q Could you get them before the Commission to testify? A Well, I don't know, I could get affidavits but whether I get them- one is mighty old and whether I could get her or not I don't know.
- Q The Commission will accept affidavits if you care to offer them but it is better to have the witnesses here in person to testify.
- A If I could get that aunt of mine to come I could get two more and I guess my mother could tell me of more.
- Q Do you know if your grandfather Bill Henson or your great-grandfather, whose name you say you don't know, removed from Mississippi to the Indian Territory from 1833 to 1838? A No, I don't know.
- Q Do you know, if they never removed, whether either of them went to the Indian Agent there in Mississippi and told him that they didn't want to come West but wanted to stay there and become citizens of the United States? A No, I don't know.
- Q Do you know of any one living who could tell about that and could testify? A My aunt is the only one and I don't know whether she could.
- Q Have any of your ancestors ever claimed or received land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Have any of them ever owned any land which they received from the government under this treaty? A No.
- Q Did any of them ever get any scrip from the government? A No.
- Q Is there anything more you would like to say in support of your application at this time? A No.
- Q Have you any affidavits or evidence of any kind, copies of records, deeds or patents that you would like to file in support of your case? A I haven't any with me.
- Q Should you desire to offer any further evidence in support of your case, either the oral testimony of witnesses or their depositions or affidavits the Commission will accept them and consider them in determining your case.
- A Yes, I would like to have further proof on this.
- Q Well the Commission will accept any evidence that you care to offer
- A I could get their evidence; you think then affidavits will do?
- Q Well, the Commission would accept the affidavits but it would be better to have the witnesses testify in person before the Commission if you could secure them.
- Q Can you speak Choctaw? A No.
- Q Can your mother? A No.
- Q Could your grandfather? A I don't know.
- Q Could your great-grandfather? A I don't know.

4---Charley Howell

Q How much Choctaw blood have you been taught that your grandfather had? A One half.

Q And have you been taught that your great-grandfather was a full-blood? A Yes.

Q You don't know whether he had any Choctaw name? A Choctaw name?

Q Yes. A No.

This applicant has the features and general appearance of a white man. His eyes are hazel and his hair brown; he has none of the characteristics of an Indian. He does not speak the Choctaw language and has no knowledge of any compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1830. He does not know the name of his ancestors farther back than his grandfather and does not know whether his grandfather lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 8, 1901.

*Henry G. Hains*

Subscribed and sworn to before me this 22 day of July 1901.

*D. W. Linebaugh*

Notary Public.



COPY.

M O R 2851

Waskogee, Indian Territory, May 27, 1902.

Charley Howell,

Elmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elisabeth Howell, et al., embracing the following applications for identification as Mississippi Choctaws:

Elisabeth Howell, et al.,	M O R 1582
Annie Coppedge, et al.,	M O R 1583
Martha Burleson, et al.,	M O R 1584
Moss Henson,	M O R 1523
Jennie Howell, et al.,	M O R 1523
Effie Odell, et al.,	M O R 2820
Charley Howell,	M O R 2851
John W. Dunn, et al.,	M O R 2852
Lola Coppedge, et al.,	M O R 3145
Martha Gerley, et al.,	M O R 3146

Said decision after a review of the evidence submitted concludes as follows:

'The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'



COPY

C H—2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Elizabeth Howell, Ida Howell, Ada Howell, Dora Howell, Annie Coppedge, William H. Coppedge, Della Coppedge, Warren Coppedge, Samuel Coppedge, Effie Coppedge, Martha Burleson, William A. Burleson, Riley Burleson, Elmer Burleson, Clarence Burleson, Morris T. Burleson, Emmet G. Burleson, Thomas Burleson, Moss Henson, Jennie Howell, Willie Howell, Ola Howell, Effie Odell, Ora Odell, Charley Howell, John W. Dunn, George Washington Dunn, Elva Adaline Dunn, James Madison Dunn, John Leslie Dunn, Annie Lee Dunn, Mary Isabel Dunn, Lola Coppedge, Charlie Coppedge, Emmet Coppedge, Wallace Coppedge, Martha Gerley and Naudie Gerley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*James Diney*

Acting Chairman.

Registered.

WHM

COPY.

M.C.R. 2851

Muskogee, Indian Territory, July 28, 1902.

Charley Howell,

Elmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Howell, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

MCR 2851

COPY

Muskogee, Indian Territory, November 14, 1906.

Charley Howell,

Elmore, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior  
~~on November 2, 1906, denied the motion filed in this office June 23,~~  
1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory,  
for re-opening and re-consideration of the consolidated Mississippi  
Choctaw case of Elizabeth Howell, et al.

Respectfully,

SIGNED *Cams Bixby.*  
Commissioner.

No. 2551

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name *Charley Howell*

Age *22* Blood *1/16*

Post Office, *Elmore, L.I.*

Father: *William Howell*

Mother: *Elizabeth*

Claims through *mother*  
*wife Lemmie Howell*  
*(no claim for her)*

Children:

*Claims for himself*  
*alone.*

*(See MCR 1382)*

Stenographer

*Henry B. Hains.*

Choctaw MCR 2852

John W. Dunn

See MCR 1382

MCR 2852

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 8, 1901.

2852

In the matter of the application of John W. Dunn for the identification of himself and his six minor children as Mississippi Choctaws.

John W. Dunn being duly sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Dunn.  
Q D-u-n-n-? A Yes.  
Q What is your age? A Forty-five.  
Q What is your post-office address? A Dixie.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A Twelve years.  
Q Where did you live before you lived there? A Texas.  
Q How long did you live in Texas? A I lived in Texas about 32 years I guess.  
Q Were you born in Texas? A No in Alabama.  
Q How old were you when you left Alabama? A I was two years old when I left Marion County, Alabama.  
Q And you removed from Alabama to Texas? A Yes.  
Q And lived in Texas continuously until you moved to the Territory? A Yes.  
Q And you never lived outside of the Territory since you came here? A No.  
Q What is your father's name? A William.  
Q William Dunn? A Yes.  
Q Is he living? A No.  
Q What is your mother's name? A Jane Henson.  
Q Is her name Jane Henson now? A My mother is dead.  
Q Well, what was your mother's name? A Jane.  
Q Jane Dunn? A Do you mean my mother's maiden name?  
Q No; what was her name when she was your mother? A Her name was Jane.  
Q Jane Dunn? A Yes.  
Q She is dead, you say? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A You mean me?  
Q Yes. A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?  
A I don't know.  
Q Are you married? A Yes.  
Q What is your wife's name? A Frances Dunn.  
Q Is she living? A Yes.  
Q Do you make application for her? A No.  
Q She is a white woman-? A Yes.  
Q And makes no claim to Indian blood? A No.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes.  
Q How many? A Six.  
Q Give the names and ages of these children. A Do you want just their first names?  
Q You might give the first names and the middle initials if they have second names.

John W. Dunn---2

A The first is George Washington Dunn.  
Q How old? A Nineteen.  
Q Next? A Elva Adaline.  
Q How old is Elva Adaline? A Seventeen years old.  
Q Is that a boy or a girl? A Girl.  
Q Next? A James Madison.  
Q How old? A Fourteen.  
Q Next? A John Leslie.  
Q How do you spell Leslie? A I don't know whether I can spell it right; I expect you know as much about it as I do.  
Q Well, we would rather have him as you call him. A L-e-s-l-i-e.  
Q How old is he? A Twelve.  
Q Next? A Annie Lee.  
Q How old? A Eight.  
Q Next? A Mary Isabel.  
Q I-s-a-b-e-l? A Yes.  
Q How old? A Three years old.  
Q Is that all? A Yes.  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Frances Dunn.  
Q She is the mother of all of them? A Yes.  
Q When and where were you married to her? A Texas.  
Q When? A twentytwo years last May.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A By Justice of the Peace.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No, I haven't got it.  
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application made by you in behalf of your minor children.  
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.  
Q Did you or did any one for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of United States Court in Indian Territory? A No.  
Q Have you ever before this time made application for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application you have ever made of any description? A Yes.  
Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.  
Q How do you make your claim now to identification as Mississippi Choctaw? A Well, it is like this with me; that I have been taught that I was; I haven't got any evidence with me.  
Q You have been taught that you were a Choctaw Indian? A Yes.  
Q So you base your claim on the fact that you have Choctaw blood? A Yes.  
Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.  
Q The authority vested in the Commission is to determine the identity of those Indians who claim their rights in the Choctaw lands under article fourteen of the treaty of 1830.  
In 1830 the United States wanted to remove the Indians from the

State of Mississippi to a country West of the Mississippi River and found that they could not get any treaty with the Indians until some provision was made for those who wanted to stay in Mississippi. So article fourteen was put into the treaty for the benefit of those Indians who wanted to stay there in Mississippi; and after that article was made a part of the treaty the treaty was ratified without any trouble. Article fourteen of the treaty of 1830 is as follows: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could remain in Mississippi and receive land there by going to the United States Indian Agent to the Choctaw Indians within six months after that treaty was ratified and telling him that they wanted to stay in Mississippi and take land there, that they didn't want to come West to the new country, then they would receive land in Mississippi. If they did this they would not lose the privilege of a Choctaw citizen but if they ever removed they were not to be entitled to any portion of the Choctaw annuity. A Yes.

Q Do you claim anything under this article of this treaty? A I don't remember anything about it; I guess not.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were living in the old Choctaw nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A Dunn.

Q Well, what was the other name the first name? A Patsey Dunn.

Q What relation was Patsey Dunn to you? A Grandmother.

Q Was she a Choctaw Indian? A She claimed to be.

Q Did she live in Mississippi in 1830? A I don't know what time she lived there; I can't say.

Q Have you any evidence of these facts? A Not with me I haven't.

Q How much Choctaw blood did your grandmother claim to have? A 1/4

Q Is your grandmother living now? A No.

Q How long has she been dead? A About 23 years.

Q About how old was she when she died? A Died at the age of 68.

Q She was 68 when she died and has been dead 23 years? A Yes.

Q She was living then in 1830? A I suppose so.

Q But you don't know whether in Mississippi or not? A I don't know.

Q Did she ever live in Mississippi? A Yes, but I don't know what time she lived there.

Q Are there any people living who knew your grandmother and could testify as to your grandmother's Choctaw blood? A I think so.

Q Could you get them before the Commission? A I have not got them with me but I guess I could get them before it.

Q Did your grandmother, Patsey Dunn, come West with the other Choctaw Indians between 1833 to 1838? A I can't say whether she came with them or not.



John W. Dunn---4

Q You don't know what time she left Mississippi? A No, she went from Mississippi to Alabama and stayed a while; and I don't know what time she left Alabama.

Q Did she ever come to the Indian Territory? A No.

Q If she did not remove with the other members of the tribe did she within six months after the ratification of the treaty go to the United States Indian Agent there and tell him that she wanted to stay there in Mississippi and become a citizen of the United States?

Q I don't know; I can't say whether she did or not.

Q Have you any witnesses that would be able to testify on that point? A It may be that I have; I can say that I may be able to get some witnesses.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I can't say whether they have or not.

Q You don't know whether any of them ever received any land there from the government under this treaty? A No.

Q Did any of them ever get any scrip from the government?

A I don't know whether they did or not.

Q Are there any additional statements you would like to make in support of your application at this time? A No.

Q Have you any documentary evidence that you want to offer now, affidavits, patents or papers of any kind? A No.

Q Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in your case and consider them in determining your right to identification as a Mississippi Choctaw. Do you speak Choctaw? Can you? A No.

Q Do you know if your mother could speak Choctaw? A I don't know whether she did or not.

Q And does your grandmother speak it? A She didn't talk it much; I have heard her speak some of it, but she never spoke it all the time.

Q She could talk a little, could she? A I don't know whether she could or not; it is different from what I spoke.

Q Did she, your grandmother, have any Choctaw name? A I don't know.

This applicant has dark eyes and hair and dark complexion, but has none of the characteristics of a Choctaw Indian; it might be possible he has the proportion of Choctaw blood claimed by him, although his general appearance is that of a white person. He does not speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. He does not know very much about his ancestors.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 22 day of July 1901.

R. H. Linebaugh

Notary Public.

COPY

M O R 2852

Muskogee, Indian Territory, May 27, 1902.

John W. Dunn,

Dixie, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Howell, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Howell, et al.,	M O R 1362
Annie Coppedge, et al.,	M O R 1383
Martha Burleson, et al.,	M O R 1384
Moss Hansen,	M O R 1523
Jennie Howell, et al.,	M O R 1533
Effie Odell, et al.,	M O R 2850
Charley Howell,	M O R 2851
John W. Dunn, et al.,	M O R 2852
Lola Coppedge, et al.,	M O R 5145
Martha Corley, et al.,	M O R 5146

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

COPY

JWD-----2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Elizabeth Howell, Ida Howell, Ada Howell, Dora Howell, Annie Coppedge, William M. Coppedge, Della Coppedge, Warren Coppedge, Samuel Coppedge, Effie Coppedge, Martha Burleson, William A. Burleson, Riley Burleson, Elmer Burleson, Clarence Burleson, Morris T. Burleson, Emmet G. Burleson, Thomas Burleson, Moss Henson, Jennie Howell, Willie Howell, Ola Howell, Effie Odell, Ora Odell, Charley Howell, John W. Dunn, George Washington Dunn, Elva Adaline Dunn, James Madison Dunn, John Leslie Dunn, Annie Lee Dunn, Mary Isabel Dunn, Lola Coppedge, Charlie Coppedge, Emmit Coppedge, Wallace Coppedge, Martha Gerley and Maudie Gerley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

Acting Chairman.

Registered.

W H H

- COPY.

M.C.R. 2852

Muskogee, Indian Territory, July 2<sup>nd</sup>, 1902.

John W. Dunn,

Dixie, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Howell, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

SIGNED

*F. B. Needles*

Commissioner in Charge.

MOR 2852

COPY

Muskogee, Indian Territory, November 14, 1906.

John W. Dunn,

Dixie, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior  
on November 5, 1906, denied the motion filed in this office June 23,  
1906, by J. V. Cabell, Attorney at Law, Ardmore, Indian Territory,  
for re-opening and re-consideration of the consolidated Mississippi  
Choctaw case of Elizabeth Howell, et al.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name John H. Dunn

Age 45 Blood 1/16

Post Office, Dixie L.T.

Father: William Dunn (dead)

Mother: Jane Dunn (dead)

Claims through mother  
wife: Frances Dunn  
(no claim for her)

Children:

George Washington Dunn	17
Elva Adeline (Adeline)	" F 17
James Madison	" 14
John Leslie	" 12
Annie Lee	" 8
Mary Isabell	" 3

Claims for himself and  
six minor children

Stenographer

Henry G. Hains.

Choctaw MCR 2853

Lillian Thomas

MCR 2853

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 8, 1901.

2853

Testimony of Sarah M. Adams.

In the matter of the application of Lillian Thomas for the identification of herself and her minor children as Mississippi Choctaws.

Sarah M. Adams being called and sworn as a witness in this case testified as follows in behalf of applicant:

Examination by the Commission:

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colorado City, Texas.  
Q Do you know the applicant in this case, Lillian Thomas? A Yes.  
Q How long have you known her? A I haven't known much about her; but I knew her as a child.  
Q So you have known her all her life? A Yes.  
Q What relation is she to you? A Cousin.  
Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.  
Q Do you claim your Indian blood through your mother? A Yes.  
Q And your mother through whom you claim your Indian blood is a sister of Mrs. Lillian Thomas' mother? A Yes.  
Q Do you claim through the same common ancestor? A Yes.  
Q What is the name of that ancestor through whom you claim? A I claim it through my mother and she claims it through her mother. Elizabeth Smith, is our grandmother.  
Q And Elizabeth Smith is also Lillian Thomas's grandmother? A Yes.  
Q Did you know Elizabeth Smith? A Yes.  
Q Where did you know her? A In Newton County, Mississippi.  
Q And how much Choctaw blood did she, Elizabeth Smith, claim to have? A One half.  
Q Did she speak Choctaw? A I suppose so; I am satisfied she did.  
Q Did she look like a Choctaw? A Well, she had black eyes and hair and skin.  
Q You knew her personally? A Yes, I have seen her.  
Q Where did she die? A In Newton County, Mississippi.  
Q How old was she when she died? A I think she was 64 somewhere in 60.  
Q How long has she been dead? A She died some time in the fifties I can't tell you when, I suppose about 56 or 58, I can't tell you so exactly- I did have her obituary, but I think it is missing.  
Q And she was over sixty years old then? A Yes, she was sixty four years old when she died.  
Q Do you know that she lived in Mississippi in 1830? A Yes, she lived in Newton County, then.  
Q She lived there all her life in Mississippi? A I don't know where she was born; they moved from Clarke County to Newton.  
Q Is Clarke County in Mississippi? A Yes; they were married and first settled there and moved from there to Newton, I don't know what date; that's what I am told.  
Q Did you ever talk with your grandmother about her having Indian blood? A No; you see I was a child.  
Q Did you ever hear her say anything about being an Indian and having lived in Mississippi at the time this treaty was made? A Well, about the living in Newton County I did, not about the Indian.  
Q You never heard her say then about whether she went to the Indian agent there in Mississippi within six months after the treaty of 1830 and told him that she wanted to stay in Mississippi and become a citizen of the United States? A No, I never heard her say.  
Q And you don't know whether she owned any land there in Mississippi



and whether she got it from the government? A She owned land there but I don't know whether she got it from the government or not I don't think they did, I don't know that.

Q Is there any one else living who would be able to testify more about these things? A I knew of some out here, that is in Texas, that would be able to say- they knew my grandmother long before I did; if they are still living; they were living a short time back.

Q Could they be brought before the Commission personally? A No.

Q Could their depositions be made? A Yes.

(To applicant): Do you think of anything more you would like to have this witness asked? A No I reckon not.

(To witness): Do you know anything more about this case; anything that has not been asked? A Well she was a daughter of Abraham Barrett; she married a Blakeley- you see we claim through her. Her grandmother and my grandmother was a Smith and she married a Blakeley and you see our parents were Blakeleys.

Q Were your Indian foreparents Blakeleys? A You see this Elizabeth Blakeley or Smith is where we get out Choctaw and she married John Blakeley.

Q Now at the time this treaty of 1830 was made was this Elizabeth Smith a Blakeley? A She was Elizabeth Blakeley at that time.

Q And if she received any benefits under this treaty it would have been as Elizabeth Blakeley? A Yes I suppose as Elizabeth Blakeley.

(Witness excused.)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said above testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 27 day of July, 1901.

*R. H. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 8, 1901.

2053

In the matter of the application of Lillian Thomas for the identification of herself and her seven minor children as Mississippi Choctaws.

Lillian Thomas being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lillian Thomas.  
Q L-i-l-li-xi-a-n? A Yes.  
Q What is your age? A Thirty three.  
Q What is your post-office address? A Hillsborough, Texas.  
Q How long have you lived in Texas? A I was born and raised in Tex  
Q Never had a home outside of that State? A No.  
Q What is your father's name? A Arthur Barrett.  
Q B-a-r-r-e-t-t? A Yes.  
Q Is he living? A No.  
Q What is your mother's name? A Albinnie Barrett.  
Q How do you spell her name? A Well, I don't know just exactly how  
to spell it; it is A-l-b-a-n-y- Albany.  
Q Is your mother living? A Yes.  
Q Through which one of your parents do you derive your Choctaw  
blood? A My mother.  
Q How much Choctaw blood do you claim A One eighth.  
Q Had your mother through whom you claim your right to identifica-  
tion as a Mississippi Choctaw ever been recognized in any manner or  
enrolled as a member of the Choctaw tribe of Indians by either the  
Choctaw tribal authorities or the authorities of the United States?  
A Well, not that I know of.  
Q Are you married? A Yes.  
Q What is your husband's name? A William Thomas.  
Q Is he living? A Yes.  
Q Do you make any application on his behalf? A No.  
Q He is a white man and makes no claim to Indian blood? A No, he is  
a white man and has no claims at all.  
Q Have you any children for whom you wish to make application at  
this time? A Yes.  
Q How many? A I have seven.  
Q Are they all unmarried? A Yes.  
Q Give the names and ages of those under twenty-one. A Well,  
Jessie Thomas is fourteen years old; she is the oldest.  
Q Next? A Charles Porter Thomas is twelve years old.  
Q Next? A William Vernon Thomas he is ten years old.  
Q Next? A Robert Oral Thomas is eight years old.  
Q How do you spell that middle name? A O-r-a-l.  
Q Eight years old? A Yes. Then Anna Thomas, six; M Ira Thomas  
is four.  
Q Next? A Nettie Thomas is two and a half years old.  
Q Is that all? A Yes.  
Q You are the mother of all these children? A Yes.  
Q What is the name of their father? A William Thomas.  
Q Is your name or are the names of any of your children on any of  
the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application for yourself or your children to  
the Choctaw tribal authorities in the Indian Territory to be enrolled  
as members of that tribe? A No.  
Q Did you or did any one for you or for your children in 1896 make

Lillian Thomas ---2

application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of United States Court in Indian Territory? A No.

Q Have you ever prior to this time made application for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make your claim now for identification as a Mississippi Choctaw? A Well, I claim that my mother was and I am also.

Q That your mother was Mississippi Choctaw? A Yes.

Q You claim then your right to identification now as a Mississippi Choctaw because you and your mother have Choctaw blood? A Yes.

Q Do you make your claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q Under which one of the treaties do you claim? A Between the fourteenth treaty and 1830.

Q What do you mean by the fourteenth treaty and 1830? A That is the treaty between the State of Mississippi and the Choctaw Indians.

Q Made when? A When they taken their lands up there and give them lands here.

Q In what year was that treaty made do you know? A In 1830.

Q What do you mean by the fourteenth article; do you mean by that that it is the fourteenth treaty made between the State of Mississippi and the United States? A Yes.

Q In 1830 Mississippi was being settled up by white people and the United States found it impossible to protect the Choctaw Indians in their tribal government any longer and wanted to make a treaty to give them land here West of the Mississippi River instead of land in Mississippi, so that that State could be thrown open to white settlement. The United States found it impossible to make any treaty until some provision was made for those who didn't want to come West so article fourteen was made and after that article was inserted the treaty was ratified without any trouble by both the Choctaw Indians and the United States. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land

intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This means that those Choctaw Indians who didn't want to come West could stay in the State of Mississippi and by telling the Indian Agent there within six months after the treaty was ratified that they didn't want to come West but wanted to stay in Mississippi could receive land there. Article fourteen further provided that if they did that they were not to lose the privilege of Choctaw citizenship but if they ever removed were not to be en-

Lillian Thomas---3

- titled to any part of the Choctaw yearly payments of money. Do you claim now under this treaty? A Yes.
- Q Did you ever receive any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.
- Q Do you know what is meant by the word "ancestor"? A Yes.
- Q What was the name of your ancestor or ancestors who resided in Mississippi and were acknowledged members of the Choctaw tribe when this treaty was entered into? A Elizabeth Smith.
- Q What relation was she to you? A My grandmother.
- Q Your mother's mother? A Yes.
- Q She lived in Mississippi in 1830? A Yes.
- Q Have you any evidence of that fact? A No, not that I know of.
- Q Was she a Choctaw Indian? A She was a half.
- Q Have you any evidence of that fact? A Well, I have a statement of my mother and also her sister.
- Q Are there any people living who were acquainted with your grandmother and could testify about these matters? A Yes, I suppose so.
- Q Do you know who they are and where they live? A No, not that I know of.
- Q You don't know then that you could get them before the Commission to testify? A Well, it has been proven here that my grandmother was a half Choctaw Indian.
- Q Who has proved it here? A Mr. H. Blakeley.
- Q What relation was he to you? A He is a cousin.
- Q Does he claim through this same ancestor? A Yes.
- Q Hiram Blakeley? A Yes.
- Q You would have to offer your own evidence; if you wanted to use the same evidence that was filed in the case of Hiram Blakeley you would have to have certified copies of these evidence or it would be necessary for you to make new affidavits. But the question is could you get these persons in person to appear before the Commission? A Well, my mother is 68 years old; would an affidavit from her do? A
- Q The Commission would receive your affidavits of course, but it would be much better to have them in person.
- A Well, these parties are both very old.
- Q Well, could you get their depositions? A Yes.
- Q The Commission would accept either their affidavits or depositions if you could cause, Elizabeth Smith, remove from the Territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A No.
- Q If she did not remove with the other Indians did she within six months after the ratification of the treaty go to the United States Agent to the Choctaw Indians there in Mississippi and tell him that she wanted to stay there in Mississippi and become a citizen of the United States? A I don't know.
- Q Do you know of any one living who would be able to testify on these points? A No, not that I know of; they are well known and I suppose I could get good evidence.
- Q Do you understand that it is very material that you get people to testify as to your ancestors' Choctaw blood and as to their compliance with the terms of the fourteenth article? A I suppose it is.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Did they any of them get any land from the government under this treaty do you know? A Not that I know of.
- Q Did any of them ever get any scrip from the government? A Not that I know of.
- Q Are there any further statements you want to make in support of your application? A No.
- Q Have you any documentary evidence that you want to file now? A No.
- Q Should you desire to offer additional evidence in support of your application, either the oral testimony of the witnesses or any other evidence, you may do so at any time before the Commission meets to hear the case.

Lillian Thomas---4

application, either the oral testimony of witnesses or their affidavits or depositions the Commission will accept the same and make them a part of the record in your case.

A Well, I would like to have the chance.

Q Well whatever evidence you have will be accepted by the Commission

Q Do you speak Choctaw? A No.

Q Did your grandmother? A I don't know.

Q Does your mother? A She can but then she does not use it all the time.

Q Are you sure that she can speak Choctaw? A Yes.

Q And you know that it is Choctaw? A Well, she says it is.

The applicant in this case has blue eyes and brown hair and all the features and characteristics of a white person; she has not the appearance of one possessed of any appreciable amount of Choctaw blood. She does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She does not know very much about her ancestors.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 27 day of July 1901.

*A. H. Linbaugh*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas E. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2905.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2907.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2909

In the matter of the application of Arends DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2910.

In the matter of the application of William Cary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2911.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2915.

In the matter of the application of William B. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2916.

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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaw, heard at Atoka, I.T., July 8, 1901. M.C.N. 2854.

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaw, heard at Atoka, I.T., July 8, 1901. M.C.N. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 9, 1901. M.C.N. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:-

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Hika-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Peggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Herlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas F. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they don't live old enough, he don't know them.

Q Ask him if he knows Arcada Dubose, Thomas J. Dubose and William Cary Dubose? A "I might know something about these older people but these younger people I don't know anything about.

Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaw? A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of India here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation A Yes; he want to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place.

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Q Ask him where he lived before he came hereto the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Mok-e-leges; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old Nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A "I was right there present right at Dancing Rabbit Creek in 1830." he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was about but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think that she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near there where Elizabeth lived; called by the name of Sweetgun Grove or Park.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered; he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that there that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.



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- Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies, to ride did but those who didn't didn't go.
- Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time staying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.
- Q Ask him if he knows the names of any of her children? A He don't know the names.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.
- ( To applicant )
- Q Is there anything more you want brought out by this witness?
- A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's husband now?
- Q He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say awhile ago that it was Blakeley? A He says he has forgot it.
- Q Well, ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.
- ( To applicant )
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness Excused.)

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing in a full, true and correct transcript of his stenographic notes in said testimony and on said date.

*Henry G. Haines*

Subscribed and sworn to before me this 17 day of August, 1901.

*E. W. Linebaugh*  
Notary Public.

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*Henry G. Haines*

Subscribed and sworn to before me this 17 day of August, 1901.

*E. H. Linebaugh*  
Notary Public.

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Foraythe et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2897.

In the matter of the application of Malissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1484.

In the matter of the application of Thomas B. Ross et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2880.

In the matter of the application of Sarah M. Adams et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al. for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 6, 1901, M.C. 2850.

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In the matter of the application of Arenda DeBore et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2222.

In the matter of the application of Oval Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2223.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2224.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2224.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2224.

In the matter of the application of Maria Gipsen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3120.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3122.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3124.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3127.

In the matter of the application of Nora B. Milley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3124.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3128.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

Examination by the Commissioner

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- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Lawsen.
- Q Texas? A Yes, Texas.
- Q What nationality do you claim to be? A I claim to be I.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blackley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blackley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County, Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q You want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blackley, Mattie Fordyce, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah H. Adams, Albert Edward Ford, Arcada DeBono, Oral Ford, Merlin C. Adams, J. Dale Adams, Tempie McAllister, William L. Williamson, Margie Adams, William Thomas, Maria Simpson, Joseph W. Boyd, Lawrence L. Ford, William F. Walker, Nora M. Wiley and John Owens? A Yes.
- Q Are you related to them? A Yes they are all my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.



- Q Where did you live before you lived in Texas? A In Mississippi in Madison County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1830 then? A Yes I reckon so.-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? I was born in 1830 you can count it.
- Q About how old were you? (By Attorney, was it before the war) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Landing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married, she married a man by the name of John Blackley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1830, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years then? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blackley came west with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q She always lived in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Blackley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blackley, your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you were born? A In Newton County.
- Q Did the own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the best of them.
- Q Do you remember whether your mother Elizabeth Blackley or your father John Blackley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could speak as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all ~~words~~ of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blackley and your father's name John Blackley? A Yes.
- Q Can you tell me the names of the other children of theirs? --What was their names, please?--Their names or mine?
- Q No their. --Give me the names of your brother's and sister's? A John, Fannie, Nancy, Mary, Willie and William Blackley and a name comes in their, Elizabeth--now have you Rhoda Blackley.
- Q Now the next after Rhoda? A ~~James~~ Russell Blackley, Albany Blackley, Tempie Blackley, James Blackley, Mathern Blackley and Sarah Ann Blackley

Witness excused.

Hulda Jane Harrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Harrington, H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? Oh! well, I just can't tell you that.

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- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blackley, Mattie Wergert, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Aroah Dubane, Ogal Boyd, William D. Williamson, Margie Adams, William Thomas, Maria Gibson, Joseph E. Boyd, Lawrence L. Boyd, William P. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one?
- Q All of these people, are they related to each other in any way?
- A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? My Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Tell me these others related to each other in any way? A
- Q Tell these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A A Blackley.
- Q What was given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blackley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1808 and 1840?
- Q I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi?
- A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blackley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.



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D.C. 11/1/1901

- Q Do you know whether Elizabeth Blackley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Harrington if you were at Elizabeth Blackley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Where  
Q Do you remember when Elizabeth Blackley died? Yes  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blackley? A Yes.  
Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and the same above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka Indian Territory, on August 1, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 27<sup>th</sup> day of September 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, August 19, 1901.

Lilliam Thomas,  
Hillsboro, Texas.

Dear Madam:-

Receipt is hereby acknowledged of the affidavit of Ira W. Walker, which you offer for filing in support of your application which you make for the identification of yourself and minor children as Mississippi Choctaws.

The same has been filed and made a part of the records in this case.

Yours truly,

M.C. 2853

Muskogee, Indian Territory, September 12, 1901

Lillian Thomas,  
Hillsboro,  
Texas.

Dear Madam:-

Receipt is hereby acknowledged of your letter of August 27th, in which you state that you have forwarded the affidavit of Albania Barratt, and ask to be advised if it has been received by the Commission.

In reply to your letter you are advised that the affidavit of Albania Barratt has not been received by the Commission for filing in support of your application. If you wish to offer any further evidence in your claim the same will be accepted and made a part of the record, and will receive consideration in the disposition of your application.

Yours truly,

L. C. 2853

COMMISSIONERS  
HENRY L. DAWES.  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2853

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Lillian Thomas,

Hillsboro, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Culame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Temple McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COMMISSIONERS  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRICKINRIDGE.  
W. E. STANLEY.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES. M.C.R. 2853

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES


Muskogee, Indian Territory July 13, 1903.

Lillian Thomas,  
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903,  
the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 2853

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1906.

Lillian Thomas,  
Hillsboro, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

W. O. Beall

Acting Commissioner.



No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name *Lillian Thomas*

Age *33* Blood *1/8*

Post Office, *Hillsboro, Texas*

Father: *Arthur Barrett (dead)*

Mother: *Albany* "

Claims through *Mother*

Husband: *William Thomas* "  
(no claim for him)

Children:

*Josie Thomas* 14

*Charles Porter* 12

*William Vernon* 10

*Robert Oral* " 8

*Anna* " 6

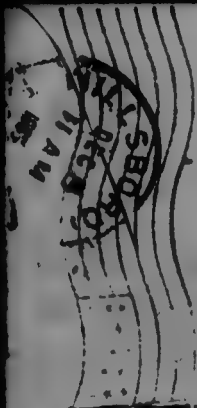
*Lora* " 4

*Nettie* " 2 1/2

Claims for self and 7  
children

Stenographer

*Henry G. Hains*



DEPT. OF COMMERCE

U. S. DEPT. OF COMMERCE

FILED

Commissioner



Department of the Interior.

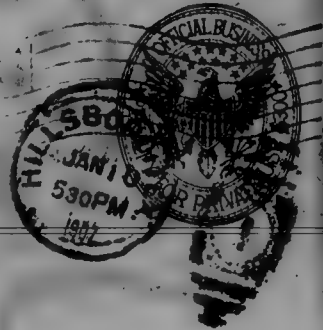
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Miss. Cheetaw Div.

Lillian Thomas,

Hillsboro, Texas.



DEC 10 1906

2853

Lillian Thomas et al.  
P. 2853

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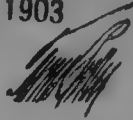
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2853

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

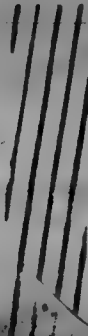
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AUG 18 1903



CHAIRMAN

HILLSBORO, T.F.  
JUL 15 10 - AM 1903



General Office

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Notice that Sec. of Int. has affirmed  
Commission's decision

MSR



William Thomas,

Hillsboro, Texas.

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Penalty for private use, \$300.

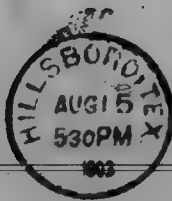
Department of the Interior.  
Commission of the General Land Office,  
Muskogee, Oklahoma.  
Official business only.

General Office

MR

Notice that Sec. of Int. has affirmed  
Commission's decision

MC



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Lillian Thomas,

Hillsboro, Texas.

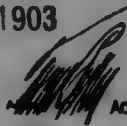
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HILLSBORO, N.Y. 43  
JAN 31 1903  
HARRY BECK, P. M.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 10 1903

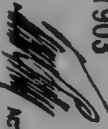


ACTING CHAIRMAN.

REGISTERED  
MAR 9 1903  
MUSKOGEE, IND. TER.



REGISTERED  
MAR 9 1903  
MUSKOGEE, IND. TER.

  
ACTING CHAIRMAN.

MAR 10 1903

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
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RECEIVED  
HILLSBORO, TEXAS  
JAN 31 1903  
HARRY BECK, P. M.

2nd notice 2/5/03  
3rd " 2/14/03

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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Lillian Thomas

Shawnee

Detax

Choctaw MCR 2854

Margie Adams

MCR 2854

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 8, 1901.

2854

In the matter of the application of Margie Adams for the identification of herself and her eight minor children as Mississippi Choctaws.

Margie Adams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Margie Adams.  
Q What is your age? A Thirty seven.  
Q What is your post-office address? A Dawson, Navarro County, Texas.  
Q How long have you lived in Texas? A I am a native of Texas.  
Q Were you born and raised there? A Yes.  
Q And you never have lived outside the States of Texas? A No.  
Q What is your father's name? A David Williamson.  
Q Living? A No.  
Q What is your mother's name? A Elizabeth Williamson.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother through whom you claim your rights as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Jeff Adams.  
Q Is he living? A Yes.  
Q Do you make application on behalf of your husband? A No.  
Q He is a white man and makes no claim to Indian blood? A Yes.  
Q Have you any children for whom you wish to make application at this time? A Yes, I have eight children.  
Q All unmarried? A Yes and all minors.  
Q Give the names and ages of these children. A Leila W. Adams, 16; Le-1-1-a? A Yes; Willie M. Adams, (Boy), 15; Robert Adams, 13; Lizzie Adams, 11; John David Adams, 9; Jeff Adams, 7; Johnie Adams 5; and Sallie Lou Adams, 9 months.  
Q Le-u? A Yes.  
Q You are the mother of all these children? A Yes.  
Q What is the name of their father? A Jeff Adams.  
Q Is your name or is the name of any of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as members of the Choctaw tribe? A No.  
Q Did you or any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No.  
Q Have you or your children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States in Indian Territory? A No.  
Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United to be admitted or enrolled as citizens of the Choctaw nation? A No.

Margie Adams---2

- Q Is this the first application you have ever made of any description? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q How do you claim your right now to be identified as a Mississippi Choctaw? A Through my mother.
- Q What do you claim through your mother? A One eighth.
- Q Choctaw blood? A Yes Choctaw blood one eighth.
- Q You are making this claim then because you have been always taught that you have Choctaw blood? A Yes.
- Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A Treaty of 1830 and article fourteenth.
- Q Do you understand the provisions of that article? A Yes.
- Q What are they? A I know what it is but I can't explain it.
- Q Tell what you understand about it. A It is exchanging lands, Mississippi lands for lands here.
- Q Well that is what the treaty was for; do you understand what this fourteenth article was for that you are claiming under? A I don't understand much about that.
- Q The treaty of 1830 was made between the United States and the Choctaw Indians for the purpose of removing them from their old reservation in Mississippi to ~~other~~ lands West of the Mississippi River; the State of Mississippi was being settled up rapidly by white people and the government could not protect the Indians in their old tribal government and therefore wanted to remove them to a country West of the River where they could keep up their form of tribal government. They found it impossible to make any treaty with the Indians until some provision was made for those Indians who didn't want to come West, therefore article fourteen was made a part of the treaty for the benefit of those Indians who wanted to stay in the State of Mississippi. Article fourteen of the treaty of 1830 provides that ~~the~~ "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the Agent his intention within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."
- Q What means that those Indians who wanted to stay there might go to the United States Indian Agent within six months after the treaty was ratified or concluded and tell him that they didn't want to come West that they wanted to remain in Mississippi and if they did that they would receive land there in Mississippi; and by doing this they were not to forfeit their rights of Choctaw citizenship but if they ever removed were not to be entitled to any part of the Choctaw yearly payments of money. Is this the article under which you claim? A Yes, the fourteenth.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A If they did, I don't know.
- Q You understand what is meant by the word, ancestor? A Yes.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe at the time this treaty was made?

Margie Adams-----3

A Grandmother Elizabeth Smith was her maiden name and she married John Blakeley.

Q And you claim she was Indian? A Half Choctaw.

Q You claim she lived in Mississippi? A Yes, Newton County.

Q Have you any evidence of this? A Yes.

Q Of what does that evidence consist? A That she lived in Mississippi at that County.

Q In what shape is that evidence? A I have a witness who knows more about those things than I who can give it in person.

Q Is this witness an applicant--A Yes.

Q For identification as a Mississippi Choctaw? A Yes.

Q Are there any other people living who would know these facts? A Yes.

Q Do you know where they are and could you get their testimony? A Yes.

Q Could you get them in person to appear before the Commission? A

A No, they are old; I expect not.

Q Could you get that evidence in the form of depositions? A Yes.

Q Did this ancestor, if a Choctaw Indian, come West with the other Choctaw Indians from the State of Mississippi in the years 1833 to 1838? A No.

Q Did she remain in Mississippi? A Yes.

Q And finally died there? A Yes.

Q How long ago did she die? A Its along in the fifties somewhere I can't tell you exactly what year.

Q About how old was she when she died? A She was 64 I think; I know she was.

Q And she died about fifty years ago? A Yes.

Q Do you know if this grandmother of yours went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that she didn't want to come West but wanted to stay there in Mississippi and become a citizen of the United States? A No.

Q Are there any witnesses who would be able to testify on that point? A None that I know of.

Q I suppose that you realize that it is very material to your case that you have evidence in support of that fact? A Yes, but I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Do you know if they ever got any land from the government under this treaty? A No.

Q Did any of them ever get any scrip from the government? A No.

Q Is there anything further you would like to say in support of your application at this time? A No.

Sarah M. Adams being called and sworn as a witness in this case testified as follows in behalf of the applicant:

Q What is your name? A Sarah M. Adams.

Q What is your age? A Fifty two; will soon be fifty three.

Q What is your post-office address? A Colorado City, Texas.

Q Are you acquainted with the applicant in this case, Margie Adams?

A Yes.

Q How long have you known her? A From early childhood.

Q Are you related to her in any way? A Cousins.

Q What is her mother's name? A Elizabeth Williamson.

Q Which one of her parents claim to be Indian? A Her mother.

Q Do you know her father's name? A David Williamson.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q Which one of your parents is related to the parents of the applicant? A Mother.

Q Your mother was related to which one of her parents? A Her mother

Q Your mother and her mother were sisters? A Yes.

Margie Adams---4

Q Do you claim your Choctaw blood through the same common ancestor as the applicant? A Yes.

Q What was that ancestor's name? A Elizabeth Smith; she married Blakeley.

Q Her name then was Elizabeth Blakeley? A Yes.

Q What relation was she to you? A My grandmother.

Q What relation is she to the applicant? A Grandmother.

Q Did you know this Elizabeth Blakeley? A Yes, I remember to have seen her.

Q About how old were you when she died? A I was, well I can't tell you what age for I don't know exactly what date she died but I remember when she died.

Q You were quite a small child when she died? A Yes, but I recollect that she was my grandmother and I went to her funeral.

Q Do you about whether she went to the Indian Agent there in Mississippi and told him within six months after the treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A I don't know that.

Q Do you know whether she removed from Mississippi to the Indian Territory when the other Choctaw Indians came? A No she didn't.

Q She stayed in Mississippi? A Yes.

Q You know that of your own personal knowledge? A Yes, she died there.

(To applicant)

Q Is there any other point on which you would like to have this witness examined? A I think not.

Q Nothing else that you can think of that you would care to have brought out? A No.

Witness excused.

To applicant:

Q Have you any documentary evidence that you want to file now?

A No, not now.

Q Affidavits or copies of records or deeds or patents? A No.

Q Should you desire to offer any further evidence in support of your application either the oral testimony of my witnesses or their depositions or affidavits you will be permitted to do so and the same will be made a part of the record in your case. The Commission would rather have the witnesses in person for examination but if they cannot get them it will accept your depositions or affidavits.

A Well, my mother is 80 years old and couldn't come. She is very feeble.

Q Are there any other people living not interested in this case who know of these facts that you have mentioned or who know of any further evidence than you have already brought out? A Yes I know of one more.

Q Could you get them here in person? A I don't know; he is a very old man; I don't know whether I could or not.

Q Can you speak Choctaw? A No.

Q Could your mother? A Yes.

Q Could she speak it or did she just know a few words? A She could speak it.

Q Could she carry on a conversation with the Choctaws? A Yes.

Q You say your mother is eighty years old? A Yes.

Q Where was she living in 1830? A In Newton County, Mississippi.

Q She was a child about ten years old when the treaty was concluded? A Yes.

Q Do you know if your grandmother had any Choctaw name? A No.

Q You mean that she did not have or that you don't know? A I don't know; her name was Elizabeth Smith.

Q Well, at the time of the making of this treaty her name was Elizabeth Blakeley was it not? A Yes she was ten years old.



Margie Adams—3

Q. It was your mother was ten years old when the treaty was made?  
A. Yes, grandmother.

Q. I say your grandmother was Elizabeth Blackley at the time the treaty was made? A. Yes.

This applicant has the general appearance and features of a white woman, having gray eyes and brown, slightly curly hair. She does not present the appearance of a person possessing any great degree of Indian blood. She does not speak the Choctaw language although it appears from her testimony that her mother could speak Choctaw and her mother and grandmother lived in Mississippi at the time of the treaty of 1830. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 22 day of July, 1901.

*J. W. Lumbrough*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas B. Ross, et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

4 In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2905.

In the matter of the application of Temple Hallister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2907

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2908.

In the matter of the application of Arenda Dubose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2909.

In the matter of the application of William Gary Dubose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2909.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2915.

In the matter of the application of William B. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2916.

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Boggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows those old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they didn't live old enough he don't know them.

Q Ask him if he knows Arcada DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these older people but these younger people I don't know anything about."

Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws? A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation? A "Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place.

Q Ask him where he lived before he came hereto the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Nok-o-leges; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old Nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A "I was right there present right at Dancing Rabbit Creek in 1830." he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was about but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think that she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw Name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English names they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near there where Elizabeth lived; called by the name of Sweetgum Grove or Fork.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered; he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

- Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies, to ride did but those who didn't didn't go.
- Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time staying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.
- Q Ask him if he knows the names of any of her children? A He don't know the names.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.
- (To applicant)
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's husband now? Q He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say awhile ago that it was Blakeley? A He says he has forgot it.
- Q Well, ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.
- (To applicant)
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness Excused.)

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing in a full, true and correct transcript of his stenographic notes in said testimony and on said date.

Henry G. Haines

Subscribed and sworn to before me this 17 day of August, 1901.

L. H. Linbaugh.  
Notary Public.

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Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 8, 1901, M.C. 2890.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2897.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1465.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2893.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2891.

In the matter of the application of Marlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 8, 1901, M.C. 2886.



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In the matter of the application of Aranda Dulles et al, for identification as Kiamissipi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2288.

In the matter of the application of Gral. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.A. 2055.

In the matter of the application of William D. Williamson et al,  
for identification as Mississippi Choctaws, heard at Atoka, Indian  
Territory, July 8, 1901, M.C. 2354.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2254.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2033.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, H.C. 3130.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Cheateaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3855.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Ateka, Indian Territory, August 2, 1901, M.C. 3257.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3186.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

**-Examination by the Commission-**

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- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes, Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Albert Edward Boyd, Arcada DeRose, Oral Boyd, Merlin C. Adams, J. Dale Adams, Tempie McAllister, William B. Williamson, Margie Adams, Lillian Thomas, Maria Gipsen, Joseph E. Boyd, Lawrence L. Boyd, William F. Walker, Nora E. Riley and John Owen? A Yes.
- Q Are you related to them? A Yes they are all my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they ~~claim~~ all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

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- Q Where did you live before you lived in Texas? A In Mississippi in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so.-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? I was born in 1820 you can count it.
- Q About how old were you? ( By Attorney; was it before the War) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married, she married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q She always lived in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.



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- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did she own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all ~~choctaw~~ of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --What was their names, please?--Their names or mine?
- Q No their. --Give me the names of your brother's and sister's? A John, Dannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A ~~Elizabeth~~ Russell Blakley, Albany Blakley, Temple Blakley, James Blakley, Mathara Blakley and Sarah Ann Blakley

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington, H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? Oh well, I just can't tell you that.
- Q

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- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Fattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DuBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Simpson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A A Blakley.
- Q What was given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well no, a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right along there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1840? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these commissioners and tried to get land there in Mississippi? A No I do not know.

POOR ORIGINAL -  
BEST AVAILABLE COPY

- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a house and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Do you remember where Elizabeth Blakley died? Yes  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.  
Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and the ~~the~~ above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka Indian Territory, on August 1, 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 27 day of September 1901.

Charles H. Sawyer.

Notary Public.

(Copy)

Miss. Choc. 2854.

Jeff Adams,

Dawson, Texas,

Dear sir:

Receipt is hereby acknowledged of your letter of the nineteenth instant in which you ask what decision has been rendered in the matter of the application of the heirs of John Blakeley for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to the rights of the descendants of John Blakeley as Mississippi Choctaws, and it is impossible to say, at this time, when this case will be taken up for consideration and determination. As soon as a decision is reached, the applicants will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2854

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Margie Adams,

Dewson, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Hurris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou



Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2854.

COPY?

Muskogee, Indian Territory, July 13, 1903.

Margie Adams,

Dawson, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*I. B. Needles.*  
Commissioner in Charge.



MCR 2854

Muskogee, Indian Territory, December 6, 1906.

Margie Adams,  
Dawson, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

2454  
Margie Adams et al  
R. 2854

RECEIVED  
DECISION RENDERED. JAN 23 1903

FORWARDED TO THE APPELLANT.

JAN 19 03

RECEIVED  
AND CHARGED

JAN 19 03

REFER TO M. C. 2857

No. 2854

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name *Margie Adams*

Age *37* Blood *1/8*

Post Office, *Dawson, Texas*

Father: *David Williamson (decd)*

Mother: *Elizabeth* "

Claims through *mother*  
*husband: Jeff Adams* ✓  
*(no claim for him)*

Children:

*Leila M Adams* 16

*Hillie M.* " 15

*Robert* " 13

*Lizzie* " 11

*John David* " 9

*Jeff Adams* 7

*Jennie* " 5

*Sallie Lou* " 9 mo

*(Claims for self and 8 children)*

Stenographer

*Henry S. Adams*

Choctaw MCR 2855

Oral Boyd

MCR 2855

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 8, 1901.

2355

In the matter of the application of Oral Boyd for the identification of himself and his three minor children as Mississippi Choctaws.  
Oral Boyd being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name. A Oral Boyd.  
Q Spell it. A O-r-a-l- B-o-y-d-.  
Q What is your age? A Twenty six.  
Q What is your post-office address? A Hillsboro, Texas.  
Q How long have you lived there? A I am a native of Texas.  
Q Were you born and raised there? A Yes.  
Q Never had a home outside of the State of Texas? A No.  
Q What is your father's name? A H.T. Boyd.  
Q Is he living? A Yes.  
Q What is your mother's name? A Amanda Boyd.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood?  
A Mother.  
Q How much Choctaw blood do you claim? A I am a sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Have you any reason to think she has ever been enrolled? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Emma Boyd.  
Q Is she now living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q She is a white woman and makes no claim to Indian blood? A Yes.  
Q Have you any children for whom you wish to make application at this time?  
A I have three.  
Q Give the names and ages of these children? A Amanda May, that's the oldest, four years old; Lillie Gertrude, two years; William Curtis, seven months.  
Q These are all your children? A Yes.  
Q What is the name of their mother? A Emma Boyd.  
Q When and where were you married to Emma Boyd? A I was married six years ago at Hillsboro.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained preacher.  
Q Have you your marriage license and certificate and do you desire to offer the same in evidence? A I have at home.  
Q It will be necessary for the Commission to be supplied with evidence of the marriage of your wife and yourself in support of the application on behalf of your minor children.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.  
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I don't know.  
Q Did you make any such application? A No.  
Q Did you authorize any one to make one for you? A No.  
Q Well you have no reason to think one was made then do you? A No.

Oral Boyd--2

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Was this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make your claim now to identification as a Mississippi Choctaw? A Why, by my mother.

Q What do you claim through your mother? A Why, I claim a sixteenth Choctaw Indian.

Q You are making this application then because you have always been taught that you have Choctaw blood? A Yes.

Q Are you making your claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What treaty? A Article fourteen, 1830.

Q Treaty of 1830? A Yes.

Q Fourteenth article? A Yes.

Q Do you understand the provisions of that article of that treaty? A Yes.

Q Give your understanding of it. A They was wanting to exchange the land for land here.

Q Well, is that all that you understand by the treaty of 1830? A Yes.

Q The United States in 1830 wanted to remove the Indians from the State of Mississippi to lands West of the Mississippi River, and for that purpose desired to make a treaty with them, but found it impossible to make a treaty until some provision was made for those Indians who didn't want to leave the State of Mississippi and come West. Therefore article fourteen was put into this treaty for the benefit of those Indians who wanted to stay in State of Mississippi. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could receive lands there in Mississippi and become citizens of the States by going to the Indian Agent there within six months after this treaty was ratified and telling him that they didn't want to come West, that they wanted to stay in Mississippi and take land there. And the article further provided that if they did this they would not lose the privilege of Choctaw citizenship but if they ever removed were not to be entitled to any portion of the Choctaw annuity. Now do you make your claim under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Oral Boyd---3

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was entered into between the United States and the Choctaw Indians?

A My great grandmother's name was Elizabeth Smith.

Q Well, is this the ancestor through whom you claim? A Yes; that is my great grandmother.

Q Was that her maiden name? A Yes.

Q What was her name after she was married? A Blakeley; she married John Blakeley.

Q Did she live in Mississippi in 1830? A Yes.

Q Was she a Choctaw Indian? A Yes.

Q Have you any evidence of these facts? A Yes.

Q What kind of evidence? A What was proved here by Hiram Blakeley a cousin of mine.

Q Well, Hiram Blakeley offered some affidavits at the time or since he made application but if you desire to use the same evidence it will be necessary for you to have certified copies of these affidavits made or have these witnesses make new affidavits in your case. Are there any witnesses living who knew your great grandmother personally and know that she lived in Mississippi in 1830 and know that she was a Choctaw Indian? A Yes, I have her cousin.

Q Well, is there anybody who is not interested in the outcome of this application who could testify? A I don't know any.

Q Well, what ones of your relatives know anything about it? A My grandmother; she is eighty years old.

Q Who is she? A Elizabeth Williamson; she was a Blakeley before she married- she married a Williamson.

Q Did your grandmother Elizabeth Williamson live in Mississippi?

A Yes.

Q She must have been about ten years old at the time this treaty was made? A Yes.

Q You say that she is so old that you can't bring her here? in person A I expect not; she is very old and feeble.

Q Could you get her deposition? A Yes could get hers and her aunt's no, my aunt's; her sister.

Q Did this ancestor, Elizabeth Blakeley remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the tribe from 1833 to 1838? A I don't know.

Q Did you never hear in your family whether she removed or not? A No, she removed from Mississippi to Texas.

Q Your great grandmother? A No she died in Mississippi.

Q Oh, your grandmother removed from Mississippi to Texas? A Yes.

Q And where does she live now? A In Texas.

Q If your great grandmother, Elizabeth Blakeley, did not remove with the other Indians did she go to the Indian Agent there in Mississippi within six months after the ratification of this treaty and tell him that she didn't want to come West but wanted to stay in Mississippi and become a citizen of the United States? A I don't know.

Q Is there any one living who would know about that fact? A Not that I know of.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A A No.

Q They didn't any of them get any land from the Government under this treaty? A No.

Q Did they any of them ever get any scrip or money from the Government under this treaty? A No.

Q Is there anything else you would like to say in support of this application? A Not that I know of unless my grandmother could answer about the scrip.

Q Do you know what scrip means? A No I mean if she would do --

Q Do you know what scrip means? A No, I wasn't thinking of that.



Oral Boyd--4

Q After this treaty of 1830 was concluded it was found that a great many Indians claimed land there in Mississippi whose names were not recorded on the register made by Ward at that time of claimants under the fourteenth article; so under different acts of Congress Commissions were appointed by Congress to find out who were entitled to claim land under this fourteenth article of the treaty of 1830. These Commissions took up the matter of claimants under this article of this treaty and found some applicants entitled to land there in Mississippi and in some cases the land had already been sold or was occupied by other people, and the United States Government issued scrip, land scrip, to the claimants instead of awarding them land; and that is what I mean by asking you if any of your ancestors ever received any scrip from the government? A Yes.

Q Do you know whether they ever did receive any? A No.

Q Well, what was it you wanted to say about your grandmother?

A Well, to witness to bring me in; you asked me if I thought she was too old to bring here in person and she could answer by writing.

Q I asked you if she was too old to be brought here in person, if you could obtain her deposition, and you said you could? A Yes.

Q Should you desire to offer any further evidence in support of this application further, either the oral testimony of witnesses or their depositions or affidavits, the Commission will accept the same and file them and make them a part of the record in your case.

A Yes I would like to have time to get affidavits and depositions.

Q Well the Commission will accept anything of that kind you desire to offer. Do you speak Choctaw language? A No.

Q Does your mother? A No.

Q Did your grandmother? A Yes.

Q Could she carry on a conversation with the Choctaws? A Yes.

This applicant has blue eyes, light brown hair and light complexion; he has the general appearance of a white man and none of the characteristics of an Indian. He does not speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. He knows very little about his ancestors and does not seem to know any outside witnesses who could testify in regard to their compliance with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above antitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 27th day of July, 1901.

*A. W. Linebaugh*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas B. Ross, et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859.

In the matter of the application of Arcada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Cary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2889.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855.

In the matter of the application of William D. Williamson et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856.

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2890.

Davis Hamer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Beggy Depot.

Q Indian Territory? A Yes

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows those old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Temple McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them: he says they didn't live old enough; he don't know them.

Q Ask him if he knows Arcada DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these older people but these younger people I don't know anything about."

Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?

A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation

Q "Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place."

Q Ask him where he lived before he came hereto the Choctaw Nation?  
 A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Nok-o-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old Nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A "I was right there present right at Dancing Rabbit Creek in 1830." he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was about but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think that she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw Name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near there where Elizabeth lived; called by the name of Sweetgum Grove or Fork.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered; he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

- Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies, to ride did but those who didn't didn't go.
- Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.
- Q Ask him if he knows the names of any of her children? A He don't know the names.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.
- ( To applicant )
- Q Is there anything more you want brought out by this witness?
- A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's husband now?
- A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say awhile ago that it was Blakeley? A He says he has forgot it.
- Q Well, ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.
- ( To applicant )
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness Excused.)

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing in a full, true and correct transcript of his stenographic notes in said testimony and on said date.

*Henry G. Haines*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Linebaugh*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 9, 1901, M.C. 2898.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 29, 1901, M.C. 2897.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2892.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2899.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2897.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 8, 1901, M.C. 2899.



#2

In the matter of the application of Arcada DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2858.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2858.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

#3

- Q What is your name? A Williamson.
- Q What is your first name? A Elisabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Albert Edward Boyd, Arcada DeBese, Oral Boyd, Merlin C. Adams, J. Dale Adams, Tempie McAllister, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes they are all my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they ~~claim~~ all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

#4

- Q Where did you live before you lived in Texas? A In Mississippi in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so.-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? I was born in 1820 you can count it.
- Q About how old were you? ( By Attorney; was it before the War) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married, she married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q She always lived in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.



#6

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all ~~about~~ of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --What was their names, please?--Their names or mine?
- Q No their. --Give me the names of your brother's and sister's? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A ~~Elizabeth~~ Russell Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington, H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? Oh! well, I just can't tell you that.

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DuBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A A Blakley.
- Q What was given name? A Elizabeth.
- Q Then these peoplen who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to ~~these~~ these Commissioners and tried to get land there in Mississippi? A No I do not know.

#7

- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes. where
- Q Do you remember ~~where~~ Elizabeth Blakley died? Yes
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired, and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and the ~~the~~ above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka Indian Territory, on August 1, 1901.

Subscribed and sworn to before me this *27* day of September 1901.

*Charles H. Sanger*  
Notary Public.

Miss. Choctaw 2886  
Miss. Choctaw 3154

Muskogee, Indian Territory, June 2, 1902.

Borden & Cypert,  
Attorneys at Law,  
Hillsboro, Texas,  
Gentlemen:

Receipt is hereby acknowledged of your letter of May 24, in which you ask what disposition has been made of the claims of O.R. Boyd and L. L. Boyd, and if no action has been taken, about when the same will be reached for consideration.

In reply to your letter you are advised that it appears from our records that Oral Boyd, and Lawrence L. Boyd have made application to this Commission for identification for themselves and their minor children as Mississippi Choctaws. No decisions have yet been reached nor opinions rendered relative to their rights as such Mississippi Choctaws. As soon as decisions are reached they will be notified of the action of the Commission. It is impossible to say at this time, when these cases will be taken up for final consideration, but as soon as any action is taken the applicants will be notified thereof.

Yours truly,

COMMISSIONERS  
HENRY L. DAVES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

W.C.R. 2855

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Oral Boyd,

Hillsboro, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1488
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Foreythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rupe, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou



Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carrie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY.

M.C.R. 2222.

Muskogee, Indian Territory, July 13, 1903.

Oral Boyd,  
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*  
Commissioner in Charge.



REFER IN REPLY TO THE FOLLOWING:

MCR 2855

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

Oral Boyd,  
Hillsboro, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

No. 2855

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name Oral Boyd

Age 26 Blood 7/16

Post Office, Hillsboro Texas

Father: H. T. Boyd

Mother: Amanda Boyd (dead)

Claims through mother

wife: Emma Boyd  
(no claim for her)

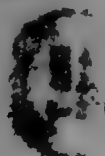
Children:

Amanda May Boyd 4  
Lillie Gertrude " 2  
William Curtis " 1 mo.

(Claims for self and 3  
children)

Stenographer

Henry G. Harris



DEPARTMENT  
Commissioner to the Texas

FILED

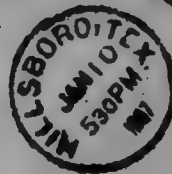
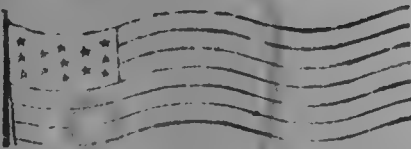
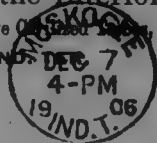
JAN 8 1897

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND.



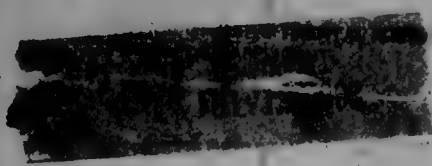
DEC 10 1906

Oral Boyd,

Hillsboro, Texas.

247-2-1  
Oral Bryd. et al.  
R. 2857

DECISION RENDERED. JAN 23 1903



FOR THE U. S. DEPT. OF JUSTICE

JAN 1 1903

FORWARDED  
AND GRANTED AS

JAN 1 1903

REFER TO M. C. R. 2857

Choctaw MCR 2856

William D. Williamson

MCR 2856

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 8, 1901.

2856

In the matter of the application of William D. Williamson for the identification of himself and his seven minor children as Mississippi Choctaws.

William D. Williamson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William D. Williamson.  
Q What is your age? A Thirty nine.  
Q What is your post-office address? Bloominggrove, Navarro County, Texas.  
Q How long have you lived there? A Two years.  
Q How long have you lived in Texas? A I was born and raised in Texas.  
Q Never had a home outside of the State of Texas? A No.  
Q What is your father's name? A David C. Williamsen.  
Q Is he living? A No, he is dead.  
Q What is your mother's name? A Elizabeth Williamsen.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Mollie Williamson.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q She is a white woman and makes no claim to Indian blood? A Yes.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes, I have 7.  
Q Give the names and ages of these children. A Edgar Williamson, age nineteen; Joseph D. Williamsen, sixteen; Fannie Williamson, fourteen; Annie Williamson, eleven; Jewel Williamsen, (Girl) nine; Susie Williamsen, six; William Gary Williamsen, six months.  
Q These are all your children? A Yes.  
Q What is the name of their mother? A Mollie Williamson.  
Q When and where were you married to her? A In Freestone County, Texas, 1881.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Yes, ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer the same in evidence? A Yes I have my certificate or license; do you wish me to present them now?  
Q You may now.

certified copy of marriage license and certificate between W.D. Williamson and Mollie S. Baggett offered in evidence by applicant marked Exhibit "A" filed and made a part of the record in this case.

- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.

William Williamson---2

Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Have you ever made application of any description; this is the first you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make your claim now for identification? A Well, through my mother and article fourteen of the treaty of 1830.

Q Well what do you mean by claiming through your mother? A Well, my mother and her mother.

Q Well, what do you claim by your mother? A One eighth; she is 1/4.

Q You make your claim then for identification as a Mississippi Choctaw because you think you have Choctaw blood and also, through article fourteen of the treaty of 1830? A Yes.

Q You understand the provisions of the fourteenth article of the treaty of 1830? A I think I do.

Q Article fourteen of the treaty of 1830 provided that "Each Choctaw head of family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the Agent his intention within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." A That they might remain in Mississippi provided that they make application to the Agent within six months after the ratification of this treaty; and they should make this claim within six months after the ratification of the treaty?

Q Yes. And they might do this and own lands or reservation in the Choctaw Nation, but if they ever removed they were not to be entitled to any part of the Choctaw yearly payments of money. A Yes, that is what I understand.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of; that's what I have always been taught, that they didn't.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw tribe in 1830 when this treaty was made between the United States and the Choctaw tribe of Indians? A Well, my grandma was Elizabeth Smith- that's her maiden name and she married John Blakeley; John Blakeley, my father, and then my mother Elizabeth who married David C. Williamson who is my father.

Q And it is your grandmother, Elizabeth Blakeley, who claims Choctaw blood? A Yes.

Q Your grandfather was a white man? A Yes.



William D. Williamson---3

Q That is John Blakeley? A Yes, that's what I have always been taught

Q Did your grandmother and your mother live in Mississippi in 1830?

A Yes.

Q Were they acknowledged members of the Choctaw tribe of Indians at that time? A Well, I can't say; don't know whether they were or not.

Q Is there any one living who could testify as to that fact and as to whether they were residents of Mississippi at the time this treaty was made? A Yes, I have the evidence of my mother who is going on eighty years and two or three other ones.

Q Could you bring them before the Commission? A No.

Q Could you get their depositions? A The reason I didn't get their depositions was the fact that H. Blakeley, he had their affidavits here proving his ancestors; and he said that they were served in our case.

Q If you desire to use the same evidence that was offered by him it will be necessary for you either to get verified copies of these papers or have new affidavits made in your case. A Now, do you mean that my mother should certify that that is evidence in my case? She is very feeble and can't stand the trip at all; and H. Blakeley got their affidavit and presented it here and said that what would prove hers would prove ours too for our ancestors were the same.

Q Well, if you want to use that you would have to get her and make new affidavits, or have a Notary Public make a certified note that the copy is the same as the original. A My aunt, Albany Barrett and two Indians too that Blakeley has used in his case I could get. I have enquired into that matter, only I thought we could use them.

Q Affidavits are not as good as depositions and depositions next as good as oral testimony.

A My mother is too old to stand the trip.

Q Did your grandmother Elizabeth Blakeley or your mother Elizabeth Williamson remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time the other Indians came from 1833 to 1838? A No, my grandmother died in Mississippi.

Q You have evidence of that fact? A Yes.

Q If they did not remove with the other Indians, did your ancestors, your grandmother, go to the agent to the Choctaw Indians in Mississippi at that time within six months after the ratification of the treaty and tell him whether she wanted to stay in Mississippi and become a citizen of the United States? A I can't say.

Q Is there any one living who could testify from personal knowledge as to that fact? A I don't know unless it is my mother.

Q Well, she was about ten years old then--? A I don't know whether she could testify or not.

Q And would she know whether your grandmother brought her case before any of these Commissioners that were appointed to look into these facts? A I don't know; I suppose she could testify as to the ownership of land.

Q Do you know how old your mother was when she lived in Mississippi? A No.

Q Did she live in Mississippi until your grandmother died? A I think she was away about a year before my grandmother died; I think she was living in East Texas at that time.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No, I think not; I can't testify as to that.

Q Do you know of them having any land which they received from the Government? A No.

Q Do you know of their having got any scrip from the government under this treaty? A No.

Q Is there anything further you would like to say in support of this application? A I would like to have the privilege of presenting some more testimony; there is an Indian here in town.

Q What is the name of that Indian? A Jackson.

Q Willis? A Perhaps it is; I can't say; he is here in town; he is

William D. Williamson---

acquainted with Mrs. Adams- he knew her in Mississippi.

Q Do you want to bring him before the Commission this afternoon?

A Yes, I want to use him as evidence.

Q Do you want to use him this afternoon? A I suppose- he is in town- I would like to have further time to produce this further evidence.

Q Should you desire to introduce either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make it a part of the record in your application.

Can you speak the Choctaw language? A No.

Q Does your mother? A Some things she can.

Q Can she carry on a conversation? A She used to could talk to them in a way but I don't know so much about her now; she has not been around them much lately.

Q Did you know your grandmother? A No.

The applicant in this case is quite dark; has dark eyes and hair and cheek bones a trifle high, and may have an eighth or 1/8 Choctaw blood, although the Indian characteristics are not marked and his appearance does not differ materially from that of ordinary white people. He has no knowledge of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, although he states that his mother and grandmother were living in Mississippi at the time of the making of this treaty.

Henry G. Hains being duly sworn in his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 27th. Day of July, 1901.

*W. H. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2901.

In the matter of the application of Merlin S. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas H. Ross, et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898.

In the matter of the application of Temple McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859.

In the matter of the application of Arenda DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Gary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2859.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855.

In the matter of the application of William D. Williams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856.

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 6, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Hi-ha-tubba; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Boggy Depot.

Q Indian Territory? A Yes

Q Ask him if he knows Sarah H. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas R. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Temple McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they didn't live old enough; he don't know them.

Q Ask him if he knows Arcada DuBose, Thomas J. DuBose and William Gary DuBose? A "Might know something about these older people but these younger people I don't know anything about."

Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?

A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation

Q "Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw nation it has been about 60 years at one place."

Q Ask him where he lived before he came hereto the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Hek-e-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old Nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A "I was right there present right at Dancing Rabbit Creek in 1830." he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was about but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think that she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw Name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near there where Elizabeth lived; called by the name of Sweetgum Grove or Park.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered; he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.



- Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies, to ride did but those who didn't didn't go.
- Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time staying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A He she never told him.
- Q Ask him if he knows the name s of any of her children? A He don't know the name.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.
- ( To applicant )
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's husband now? A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say awhile ago that it was Blakeley? A He says he has forgot it.
- Q Well, ask him if he remembers that Blakeley is right? A Yes, that's the name; he remembers now that that is the name.
- ( To applicant )
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness Excused.)

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing in a full, true and correct transcript of his stenographic notes in said testimony and on said date.

Henry G. Haines

Subscribed and sworn to before me this 12 day of August, 1901.

A. H. Lincbaugh  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

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In the matter of the application of Arenda DeBord et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2252.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2253.

In the matter of the application of William B. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2254.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2254.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2255.

In the matter of the application of Maria Givson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 2159.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 2155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 2154.

In the matter of the application of William V. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 2157.

In the matter of the application of Bern B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 2156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 2158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-



- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Albert Edward Boyd, Arcada DeBess, Oral Boyd, Merlin G. Adams, J. Dale Adams, Tempie McAllister, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes they are all my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they ~~sister~~ all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

- Q Where did you live before you lived in Texas? A In Mississippi in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so.-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? I was born in 1820 you can count it.
- Q About how old were you? (By Attorney; was it before the War) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married, she married a man by the name of John Blackley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blackley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q She always lived in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all ~~about~~ of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --What was their names, please?--Their names or mine?
- Q No their. --give me the names of your brother's and sister's? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A ~~Thomas~~ Russell Blakley, Albany Blakley, Temple Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington, H. J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? Oh! well, I just can't tell you that.

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- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DuBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipeon, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A A Blakley.
- Q What was given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

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- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs. But how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Where? A In Mississippi.  
Q Do you remember ~~where~~ Elizabeth Blakley died? Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.  
Q You know the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and the ~~the~~ above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27 day of September 1901.

*Charles H. Hawyer*  
Notary Public.

COMMISSIONERS  
HENRY L. DAWES,  
TAMS DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2856

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

William D. Williamson,  
Blooming Grove, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158



William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

*James B. Bird,*  
Acting Chairman.

Registered.



M.O.R. 2856

COPY.

Muskogee, Indian Territory, July 13, 1903.

William D Williamson,

Blooming Grove, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

MCR 2856

Muskogee, Indian Territory, December 6, 1906.

William D. Williamson,  
Blooming Grove, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

288-6

William D Williamson

DECISION RENDERED JAN 23 1903

NOTICE TO APPEAR FOR DECISION

JAN 23 1903

WARRANT  
JAN 23

JUL 11 1903

NOTICE TO  
FORWARDER AT 10 11 1903

JUL 11 1903

FORWARDED TO  
AND ON GRAHAM'S

JUL 11 1903

REFER TO M. O. R. 28

No. 2055

For Identification as a Mississippi Choctaw.

Date JUL -8 1901

Name *William D. Williamson*

Age *39* Blood *1/8*

Post Office, *Blooming Grove Tex*

Father: *David C. Williamson (dead)*

Mother: *Elizabeth Williamson*

Claims through *mother*

wife: *Mollie Williamson*  
(no claim for her)

Children:

*Edgar Williamson* 19

*Joseph D* " 16

*Fannie* " 14

*Annie* " 11

*Jewel* " F 9

*Lusie* " 6

*William Cary* " 6 mos

(Claims for self and 7 children)

Stenographer

Choctaw MCR 2857

Tempie McAllester

MCR 2857

See MCR 1468, 1485, 1486, 1491  
1492, 1515, 1516, 1517, 1518, 1519  
1743, 2541, 2559, 2694, 2695, 2696  
2853, 2854, 2855, 2856, 2858, 2859  
2888, 2889, 2898, 2890, 2901, 2902  
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5321, 5322, 5323, 5324, 5448, 5873  
5874, 5875, 5876, 5877, 5878, 500, 503  
504, 506, 507, 508, 554, 674, 499, 505

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Tempie McAllister, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:-

Tempie McAllister, et al.,	M.C.R. 2857
Robert E. Lee, et al.,	M.C.R. 1468
Melissa Boyd, et al.,	M.C.R. 1486
Ethel Sherrer,	M.C.R. 1486
Fred Lee,	M.C.R. 1491
Vernile Lee,	M.C.R. 1492
Jacob C. Lee, et al.,	M.C.R. 1515
Nannie Wood, et al.,	M.C.R. 1516
Claudia Murray, et al.,	M.C.R. 1517
George W. Lee, et al.,	M.C.R. 1518
Shade Gore,	M.C.R. 1519
Nancy A. Williams, et al.,	M.C.R. 1743
Hiram Blakeley, et al.,	M.C.R. 2541
William Lee, et al.,	M.C.R. 2559
Jacob H. Lee,	M.C.R. 2694
Nancy A. Schmidt, et al.,	M.C.R. 2695
Fred B. Lee,	M.C.R. 2696
Lillian Thomas, et al.,	M.C.R. 2853
Margie Adams, et al.,	M.C.R. 2854
Oral Boyd, et al.,	M.C.R. 2855
William D. Williamson, et al.,	M.C.R. 2856
Arcada DuBose, et al.,	M.C.R. 2858
Albert Edward Boyd,	M.C.R. 2859
Olive Smith, et al.,	M.C.R. 2888
William Cary DuBose, et al.,	M.C.R. 2889
J. Dale Adams,	M.C.R. 2898
William L. Blakley,	M.C.R. 2890
Sarah M. Adams, et al.,	M.C.R. 2901
Merlin C. Adams, et al.,	M.C.R. 2902
Thomas B. Ross, et al.,	M.C.R. 2903
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Aleck Blackledge, et al.,	M.C.R. 1490
Lula Haskins, et al.,	M.C.R. 1488
John Jordan, et al.,	M.C.R. 1469
Frances O. Vellentine, et al.,	M.C.R. 5063
John T. Vellentine,	M.C.R. 5064
Callie V. Bryant, et al.,	M.C.R. 5065
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Mary M. Bird, et al.,	M.C.R. 5321
Cora Langston, et al.,	M.C.R. 5322
Annie G. Lawhon, et al.,	M.C.R. 5323
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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 2, 1901.

2857

In the matter of the application of Tempie McAllister for the identification of herself and her two minor children as Mississippi Choctaws.

Tempie McAllister being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Tempie McAllister.  
Q T-e-m-p-i-e M-c-A-l-l-i-s-t-e-r? A Yes.  
Q How old are you? A Forty nine.  
Q What is your post-office address? A Waco, Texas; 715 Baylor St.  
Q How long have you lived there? A Nearly five years.  
Q How long have you lived in Texas? A Well, about 35 years.  
Q Where did you live before you lived in Texas? A Mississippi.  
Q Were you born in Mississippi? A Yes.  
Q And lived there until you moved to Texas? A Yes.  
Q Were you about fourteen years old when you moved to Texas? A Yes.  
Q Never had a home outside of the State of Texas since you moved there?  
A No.  
Q What is your father's name? A J.J. Williamson.  
Q Is he living? A No.  
Q What is your mother's name? A Mary Williamson.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No not that I knew of.  
Q Are you married? A Yes; I am a widow.  
Q What is your husband's name? A I have been married twice; I. R. McAllister was his name.  
Q Have you any children under twenty one and unmarried for whom you wish to make application at this time? A I have two. Bernice McAllister, nineteen, and Bruce McAllister, fourteen.  
Q You are the mother of these children? A Yes.  
Q What was the name of their father? A I. R. McAllister.  
Q Is your name or the names of any of your children on any of tribal rolls of the Choctaw Nation in the Indian Territory? A  
Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.  
Q Did you or any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application before this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application of any description you have ever made?  
A Yes.



Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified as a Mississippi Choctaw? A Under the treaty of 1830.

Q Under any particular part of the treaty of 1830? A Under article fourteen.

Q Are you familiar with the provisions of that article of that treaty? A I know but not by heart.

Q Well, give your understanding of the provisions of that article.

A I don't know whether I can repeat it.

Q Well, give it as you understand it. A They were to have land in Mississippi if they applied within six months--I can't repeat it.

Q How long have you been familiar with these provisions? A Not a great while, I never paid much attention to it; I never have thought about it particularly.

Q You have heard it explained several times today? A Yes, I have read it before too.

Q The purpose of the treaty of 1830 was to remove the Indians from Mississippi to the lands beyond the Mississippi River and the United States could not get any treaty with the Indians until some provision was made for those who wanted to remain in Mississippi. So this fourteenth article was made for the benefit of those who didn't want to come West but wanted to stay there; article fourteen of the treaty

of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that if they, any of these Indians, wanted to stay in the State of Mississippi they could do so and could receive land there in Mississippi by going to the Indian agent within six months after this treaty was ratified and telling him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States. And article fourteen further provides that those who did that would not lose the privilege of Choctaw citizenship but if they ever removed, were not to be entitled to any part of the Choctaw yearly payments of money. Do you claim under this article? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Never that I ever knew.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe at the time this treaty was made in 1830?

Q It's my grandmother Elizabeth Smith wife of John Blakeley--her maiden name was Smith.

Q Did she live in Mississippi in 1830? A Yes.

Q Have you any evidence of that fact? A Yes, we could make proof; we haven't it with us but we could make it later on and send it in.

Q Of what does that proof consist? A We can prove that she was a Choctaw, that she lived and died there.

Temple McAllister--3

Q Can you get that proof in the shape of oral testimony- have the witness examined before the Commission? A Well I know of two we can probably get; I can get the depositions of some parties who lived in Mississippi; they are old people though of course.

Q You say there are people that lived in Mississippi? A They did live in Mississippi they are in Texas now- they knew her as long as she lived.

Q Did you mother live in Mississippi in 1830? A Yes.

Q Did your grandmother, Elizabeth Blakeley, remove from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time the other Indians were removed from 1833 to 1836? A No, she died in Mississippi.

Q Did your mother remove with the other Indians at that time? A No.

Q If she, your grandmother, Elizabeth Blakeley, did not remove, did she within six months after the ratification of the treaty of 1830 signify her intention to the United States Agent to the Choctaw Indians in Mississippi to remain in Mississippi and become a citizen of the United States? A Not that I know of; that's before my recollection. If she did I didn't hear about it.

Q Is there anyone living who would know of that fact of his own personal knowledge? A I think I can get proof later on.

Q Can you get the witnesses here in person? A I suppose not; they are very old; they are good authority at the very best.

Q Can you get their depositions? A Yes.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Never that I ever knew of.

Q Did any of them ever get any land from the Government under this treaty? A Not that I know of.

Q Did any of them ever get any scrip from the Government under this treaty? A Not that I know of.

Q Is there anything else you would like to say in support of your application at this time? A Nothing except that we can bring up more proof later.

Q Should you desire to offer further proof in support of your application either the oral testimony of witnesses their depositions or affidavits the Commission will accept the same and make them part of the record in your case.

Q What is the name of your first husband? A Robert Boyd.

Q Had you any children by your first husband, Robert Boyd? A Yes 3.

Q Are they all of age and married? A Yes.

Q They will have to make application for themselves. A Yes.

Q Can you speak Choctaw? A Very little; I was fourteen years old when I left Mississippi- never been associated with the Indians since.

Q Could you carry on a conversation with Choctaw Indians? A I expect not; I know a good many words, but for general conversation, I could not do it.

The applicant in this case has dark eyes and hair tinged with gray which appears originally to have been brown. She has the features and general appearance of a white woman, and none of the Indian characteristics. She testifies that she knows a good many Choctaw words and this has been proven by an attempted conversation with a Chickasaw Freedman who also knows a little Choctaw; but applicant states that she has not sufficient familiarity with the language to carry on a conversation. She has no knowledge of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830; although from her testimony it would appear that her grandmother lived and died in Mississippi and her mother lived there until some time after the treaty of 1830 was ratified.

Henry G. Hains being first duly sworn on his oath states that as sten-



Wm. H. Halliday

Further to the Commission of the Five Civilized Tribes he reported  
in full, all proceedings in the above entitled cause on July 2,  
1901, and that the above and foregoing is a full, true and correct  
statement of the proceedings in said cause on said date.

Henry G. Harris

Witnessed and sworn to before me on the 27th day of July 1901.

R. H. Linebaugh

Notary Public.

#2857.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., August 25, 1902.

In the matter of the application of Tempie McAllister, et al., for identification as Mississippi Choctaws.

A. Telle, Attorney for applicants. No appearance.

Additional testimony of Tempie McAllister.

~~Tempie McAllister being first duly sworn testifies as a~~  
witness in the consolidated case, M. C. R. 2857, Tempie McAllister, et al., as follows:

Examination by the Commission.

- Q What is your name? A Tempie McAllister.
- Q What is your post office address? A Waco, Texas.
- Q What is your age? A Forty-nine, fifty I believe now.
- Q Have you made application to be identified as a Mississippi Choctaw before the Dawes Commission? A Yes sir.
- Q Do you remember the date of that application? A I think some time this July a year ago, I don't remember the date.
- Q Did you appear before the Commission on July 8th, 1901? A Some time in July, I don't remember the date.
- Q At the time you did appear you made application for two minor children, Bernice and Bruce McAllister? A Yes sir.
- Q You claim to have how much Choctaw blood? A One-eighth.
- Q What is your purpose in coming before the Commission today, Mrs. McAllister? A As a witness for some parties, relations to this family, and to correct some other matters.
- Q What is the name of your common ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Elizabeth Smith, who married John Blakeley, a one half Choctaw.
- Q She was your grandmother? A Yes sir, my grandmother.
- Q You have already given your testimony fully as to your descent from her? A Yes sir.
- Q Today you desire to give testimony in regard to some of the applicants who have appeared before the Commission as descendants of Elizabeth Smith who married John Blakeley showing their lineal descent? A Yes sir.
- Q Who was James Blakeley? A He was a son of Elizabeth Blakeley and John Blakeley.
- Q Your common ancestor? A Yes sir.
- Q Can you give the names of his children? A There was several of them.
- Q And who was William S. Blakeley? A He was a son of John Blakeley, he married Matilda Harris.
- Q Can you give their children? A Their oldest was James E., and one Marshall.

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin G. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2902

In the matter of the application of Thomas E. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

6 In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2998

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2937

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2939.

In the matter of the application of Arcada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2938

In the matter of the application of William Cary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2939

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2935

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2936

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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 2, 1901. W.C.P. 2834

In the matter of the application of William A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 2, 1901. W.C.P. 2835

In the matter of the application of William L. Blackley for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 9, 1901. W.C.P. 2836.

David Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in the cases and examined by David Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I know very little of Choctaw name is Hi-ha-tube; and the English name is John Lewis.  
Q Ask him how old he is? A Eighty seven.  
Q What is his post-office address? A Boggy Depot.  
Q Indian Territory? A Yes.  
Q Ask him if he knows Sarah M. Adams and her children, Berlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.  
Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.  
Q Ask him if he knows Temple McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.  
Q Ask him if he knows Albert Edwards, Boggy and Oral Boggy? A He says he don't know anything about them; he says they didn't live old enough, he don't know them.  
Q Ask him if he knows Arcada DuBoise, Thomas J. DuBoise and William Gary DuBoise? A "I might know something about these older people but these younger people I don't know anything about."  
Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blackley? A He says he don't know them.  
Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?  
A No, he don't know.  
Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes I am full blood Choctaw" he says.  
Q Ask him if his name is on the tribal rolls of the Choctaw nation?  
A "Yes; he went to different rolls; wherever these rolls are his name is there too."  
Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw nation it has been about 60 years at one place."

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Q Ask him where he lived before he came here to the Choctaw Nation?  
A First migrated here and then went to Texas right on the line of  
Mexico; there were Choctaws there then and he went and stayed there  
in a little town- he don't know what the name would be but he says  
it Hot-o-logoo; and there was a bunch of Choctaws there, and he stayed  
with them several years, and he came back over into the Choctaw Na-  
tion.

Q Ask him where he was born? In Mississippi? In the old Nation.

Q In what part of Mississippi? A About the far corner of the State  
of Mississippi.

Q Did he go to school? A He says there was no family school; he  
says the line was around the way, running that way, and the Choctaw  
Nation was right joining it.

Q Ask him if he lives in Mississippi? A In 1880. A I was a little longer  
present right at Seneca Robert Creek in 1880; he was about sixteen  
years old then.

Q Ask him if he knew about that article- contents of the treaty of  
1830? A He didn't pay much attention to it; he don't remember it; he don't  
know what that treaty was but he was there present when they were  
signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830  
was made? A He says he don't know just how long but he was with the  
second migration; its about two years after the first migration;  
that must be about 1832.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at  
that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi  
he knew anybody living there in Mississippi named Elizabeth? A  
before she was married was Elizabeth Nicholas afterward.

A He says Elizabeth Smith married a white man by the name of Nicholas  
and he don't think she migrated West; that there were some that stayed  
there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was Choctaw.

Q Well, blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he  
says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw name? A He says there  
was some white missionaries came there and they did preaching and some  
of them were joining the church and an English name was given some of  
them by the missionaries and when they give them English names they  
use them. "I can remember Elizabeth well but I can't remember her  
Choctaw name."

Q Ask him how he he goes to remember Elizabeth Smith or how long she  
lived near him if she did? A He knew her in Mississippi; he says  
that he lived in the same neighborhood, near, there where Elizabeth  
lived; called by the name of Choctaw Grove or Port.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government  
there as being Choctaw Indian? A Yes; she was recognized as Choctaw by the  
Choctaws in Mississippi at that time.

Q Ask him if he was enrolled by the Choctaw at that time? A He says  
he thinks she registered he don't know; every Choctaw gave the name of  
what they remembered and I think she registered I don't know, he says.

Q Ask him if she came West with the other Indians? A Yes "didn't come  
West."

Q Ask him if she went to the Indian agent there within six months  
after that treaty was ratified and told him that she wanted to stay in  
Mississippi and become a citizen of the United States? A He says  
that those that meant to stay there that they always registered made  
to take the five years stay and a good many of them sent in their penies  
or sticks and those numbers of sticks; these bundles of sticks repre-  
sented each head of a family when they sent in a bundle of sticks.



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Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.  
Q Ask him what that white man's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.  
Q Ask him if he knows the Christian name? A He don't know now; he has forget it.  
Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.  
Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.  
Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.  
Q Ask him if she ever told him that she was going to register or that she had gone? A He she never told him.  
Q Ask him if he knows the names of any of her children? A He don't know the names.  
Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.  
Q And did she still stay in Mississippi after he left there? A Yes.  
Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.  
Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? A He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.  
Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.  
(To applicant):  
Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.  
Q Ask him if he remembers the name of Elizabeth Smith's husband now? A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.  
Q Ask him if he didn't say a while ago that it was Blakeley? A He says he has forgot it.  
Q Well, ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.  
(To applicant):  
Q Is there anything more you can think of that has not been brought out? A I think not.  
Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.  
(Witness excused).

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

Henry G Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Hinebaugh  
Notary Public.

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blackley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2896.

In the matter of the application of Mattie Fergythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2897.

In the matter of the application of Malissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1468.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2895.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2894.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2889.

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In the matter of the application of Arwade DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, M.C. 2886.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, M.C. 2885.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, M.C. 2886.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2884.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, M.C. 2883.

In the matter of the application of Maria Ginson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence I. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-



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- Q What is your name? A Williamson.  
Q What is your first name? A Elizabeth.  
Q How old are you? A I will be eighty-one years old in a few days.  
Q What is your post-office address? A Lawton,  
Q Texas? A Yes, Texas.  
Q What nationality do you claim to be? A I claim to be Indian.  
Q What kind of Indian? A Choctaw.  
Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blackley.  
Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.  
Q And it was your mother who married a Blackley? A Yes.  
Q How much Choctaw blood did your mother claim to have? A She was a one-half.  
Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.  
Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.  
Q Did you ever live in the Indian Territory? A Yes when I was little.  
Q Did you live in the Choctaw Nation in the Indian Territory?  
A Never here, I did not. I lived in Newton County Mississippi.  
Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Indian Territory. I was before.  
Q Where were you a recognized member of the Choctaw Tribe of Indians?  
A I don't know whether I was or not.  
Q Where were you ~~you~~ a recognized Choctaw Indian? A Yes.  
Q Where? A In Mississippi, in Newton County.  
Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.  
Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.  
Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.  
Q Are you acquainted with William L. Blackley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah H. Adams, Merlin G. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBess, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Gibson, Joseph E. Boyd, Lawrence L. Boyd, William F. Walker, Vera B. Wiley and John Owens? A Yes.  
Q Are you related to them? A Yes--he is my son, William F. Williamson.  
Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.  
Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.  
Q And what is that ancestor's name? A That comes through me.  
Q Do they all claim their Choctaw blood through you? A Yes.  
Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My grandmother was one-half Indian.  
Q You are living in Texas now? A Yes.  
Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

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- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born in the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? A (By Attorney; was it before the war) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

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#5

- Q Do you know whether Elizabeth Smith or Elizabeth Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --- What was their names please? --- Their names or mine?
- Q No, their. --- Give me the names of your brother's and sisters? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth. Now have you got Rhoda Blakley.
- Q Now the next after Rhoda? A Russell, Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathara Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Barrington being called as a witness, testified as follows, being first duly sworn:

- Q What is your name? A Barrington H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the War broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A No. In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

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#6

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I hardly know what you mean want.
- Q Are you a white woman? A Yes I pass for one.
- Q You xdon't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBoso, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence E. Boyd, William E. Walker, Nora B. Hilley, and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A My Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are all related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was the given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and greatgrandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if she did or not but they was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1828 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

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Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Ateka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

In the matter of the application of Maria Gipson et al,  
for identification as Mississippi Choctaws, heard at Atoka, Indian  
Territory, August 1, 1901, M.C. 3139a

In the matter of the application of Lawrence L. Boyd et al,  
for identification as Mississippi Choctaws, heard at Atoka, Indian  
Territory, August 2, 1901, M.C. 3137.

In the matter of the application of Joseph K. Boyd et al,  
for identification as Mississippi Choctaws, heard at Atoka, Indian  
Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Nora B. Hilley for  
identification as a Mississippi Choctaw, heard at Atoka, Indian  
Territory, August 2, 1901, M.C. 3136.

In the matter of the application of William F. Walker for  
identification as a Mississippi Choctaw, heard at Atoka, Indian  
Territory, August 2, 1901, M.C. 3137.

In the matter of the application of John Owens for  
identification as a Mississippi Choctaw, heard at Atoka, Indian  
Territory, August 2, 1901, M.C. 3138.

A. Telle Attorney representing above applicants.

Sarah M. Adams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived in Texas? A Thirty-six years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q You have made application here for identification as a Missis-  
sippi Choctaw? A Yes.  
Q Are you acquainted with Maria Gipson, Lawrence L. Boyd, Joseph  
K. Boyd, Nora B. Hilley, William F. Walker, and John Owens who  
have applied here for identification as Mississippi Choctaws?  
A Yes.  
Q Are you related to them in any way? A Yes.  
Q How are you related to them? A To Joseph K. Boyd and Mrs.  
Hilley I am their aunt and the others are all second cousins of  
mine.---Well Mrs. Gipson is my own cousin.  
Q Do you know through what ancestor these applicants claim their  
Choctaw blood? A Yes.  
Q Who is this ancestor? A The first ones John and Elizabeth  
Blakley beyond that I do not know them only what I have been  
told. I have been told they were John Smith her father and  
Elizabeth Smith his wife. That is my great grandparents.  
Q These applicants all claim descent from Elizabeth Blakley and  
John Blakley? A Yes John Blakley was a white man but Elizabeth  
Blakley was a one-half Choctaw. That is what I have been told.  
Q Did you know Elizabeth Blakley yourself? A Yes.

#2

- Q Where did you know her? A I knew her in Mississippi.  
Q Do you know about what year that was? A The time she died.  
Q The time you knew her? A Well it was in the fifty's. I was born in the forty's and she died somewhere in the fifty's.  
Q When you knew her she was living in Mississippi? A Yes.  
Q She was a half-blood Choctaw Indian was she? A Yes.  
Q Do you remember how she looked? A Some yes.  
Q What was her appearance? A Well, she was rather dark, black eyes and black hair and not very tall about my size'd woman and straight black hair.  
Q Do you know whether she lived in Mississippi in eighteen hundred and thirty or not? A I suppose so.  
Q Do you know whether she came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A She did not.  
Q Do you know whether she went to to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to become a citizen of the United States? A I don't know.

Examination by A. Telle.

- Q I believe you are one of the daughters of Mary Blakley Williamson and Joseph Williamson? A Yes.  
Q Did I understand that Joseph Williamson was a white man? A Yes.  
Q What other children did your mother have? A Well Mrs. Mc Allister, and Mrs. Mary Adams.  
Q Have they all appeared for identification? A My sisters, Mrs Pete Adams, her children have not.  
Q Well what are the names of these children that have not appeared yet? A Cynthia Hill and J. A. Adams.  
Q Then all of that branch of the family have appeared but these two? A Yes.  
Q Do you remember anything about the property that these people owned, J. J. Williamson and his wife in Mississippi? A I knew they owned land but how they got it I don't know.  
Q You don't know just how he came into possession of that land? A No I don't.  
Q Have you ever made any effort to trace that matter? A The records in that County I am satisfied have been burned. They have been burned twice since, once during the war and once since.  
Q Have you any idea where the original records of this land were kept? A At Winchester I think when the Territory was first being settled that was my understanding.  
Q Now with reference to all these that have appeared here, they are all descendants of the original Blakley family? A Yes.  
Q And those that are descendants of Elizabeth Williamson have also applied here? A Yes.  
Q Is Elizabeth Williamson here an applicant for identification? No.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 2, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 12th day of October 1901.

*W. W. Shelby*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JANUARY 14, 1902.

In the matter of the application of Tempie McAllister et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857

In the matter of the application of Sarah M. Adams et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2902

In the matter of the application of Thomas B. Ross et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903

In the matter of the application of Arthur A. Ross et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2904

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859

In the matter of the application of Arcada DuBose et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 8, 1901. M.C.R. 2858

In the matter of the application of William Cary DuBose et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 9, 1901. M.C.R. 2889

In the matter of the application of Oral Boyd et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855

In the matter of the application of William D. Williamson et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856

In the matter of the application of Margie Adams et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 8, 1901. M.C.R. 2853

In the matter of the application of William L. Blakeley for



Identification as a Mississippi Choctaw, heard at Atoka, I.T.,  
July 9, 1901. M.C.R. 2890.

A. Telle, attorney for applicants:

Robert H. Laird being called and sworn as a witness in these  
cases, testified as follows:

Examination by the Commission:

- Q What is your name? A Laird.  
Q Full name? A Robert H. Laird.  
Q How old are you? A I am in my fifty eighth year.  
Q What is your post office address? A Yarbersville, Texas.  
Q How long have you lived in Texas? A Thirty six years.  
Q Where did you live prior to your coming to Texas? A Newton  
County, -Texas, Mississippi. I was born and raised in Mississippi;  
right before the War.  
Q Do you possess any Choctaw blood? A No sir.  
Q Are you in any manner connected by blood with any of the ap-  
plicants in the case of Tempie McAllister et al. who are appli-  
cants for identification as Mississippi Choctaws? A No sir.

Examination by A. Telle.

- Q Do you know John Blakeley Sr.? A Yes sir.  
Q I mean- A Yes; the old man /  
Q And do you know his son, John Blakeley Jr.? A Yes sir.  
Q I will ask you if you knew what their status was as regards  
nationality- were they Choctaws, and if so, which one of them was?  
A The old man, John Blakeley's wife was a Choctaw.  
Q He himself was a white man- and young John Blakeley was- A Her  
son and -  
Q And he was a Choctaw? A Yes sir.  
Q By his mother? A Yes sir.  
Q I will ask you if you are in any way acquainted with John  
Blakeley's having gotten possession of land in Mississippi by  
virtue of his wife's Choctaw blood, and the young John through  
his right-? A Well, that's what they has always told- my father  
and Mr. Blakeley was raised together and I was raised right with  
them children and I have heard them talking about how they got  
land; the old man was married in Wayne County, Mississippi.  
Q And you have heard him state that he got his land by virtue  
of his wife's being Choctaw and his drawing lands under the  
treaty and also young John Blakeley doing the same? A Yes sir.  
Q And I believe you say you were raised in the same neighborhood  
with him? A Right three quarters of a mile from him.  
Q And there was no question about his being Choctaw and his asser-  
tion that he dr w land by virtue of his wife's Choctaw citizenship  
was not questioned there? A No sir.

(Mr. Telle says that's all that I want to bring out).

Examination by the Commission:

Q You don't know personally of John Blakeley Sr.'s drawing this scrip? A No; only just what I have heard him and father talking about.

Q Did you hear your father say that John Blakeley Sr. said that John Blakeley drew this scrip for claims he had established for it before Commissions that were investigating these claims; by the United States Commissioners that did this under the treaty?

A He told that he got his part of the land by scrip, through scrip.

Q You have no personal knowledge of this at all? A No, only what I have heard said.

Q Do you know where any of this land that John Blakeley drew under this scrip was located? A I can't tell you the township and the place it is but I can tell you my father bought land adjoining his.

Q Where was your father's land? A In Newton County, Mississippi; about a mile and a half East of Hickory Station.

Q You heard John Blakeley himself say that he got this scrip from the United States Government for lands on account of his wife's Choctaw citizenship? A Yes sir.

Q Do you know his wife's name? A His wife's name was Elisabeth.

Q Did she have an Indian name? A I don't know.

Q What was her maiden name; her name before he married her?

A Smith.

Q Elisabeth Smith? A Yes sir.

( List of claimants under the fourteenth article of the treaty of 1830 whose claims were allowed by Commissioners appointed under Acts of Congress and approved by the President examined and neither the names of Elisabeth Smith nor Elisabeth Blakeley, nor John Blakeley Sr. nor John Blakeley Jr. found thereon.)

Examination by A. Telle:

Q I will ask you if you knew a daughter of John Blakeley, a Nancy Blakeley who married a Lee? A Yes, old man Jacob Lee; she was these boys' mother; yes.

Q Do you know Robert E. Lee and William Lee? A Yes sir.

Q They are children of Nancy Lee formerly Nancy Blakeley?

A Yes sir.

Q And they stand in the same relation to the original Blakeley family as Tempie McAllister? A Yes; sisters.

Q That's all.

Examination by the Commission:

Q Your entire knowledge of this transaction under which John Blakeley Sr. received lands under United States scrip is from hear-say? A Yes sir.

Q What have you heard old man Blakeley say; what you have heard old man Blakeley say, is it? A Yes; him and my father.

Q And that he received this scrip by virtue of his wife's being Choctaw Indian and the lands to which she was entitled as a

Cheekaw Indian? A Yes; in the treaty.

Q These lands you say that he took under this scrip are located in Newton County, Mississippi? A Yes; right where I was born, and raised.

Q You knew John Blakeley Sr. personally, did you? A Yes sir.

Q And you knew his wife personally? A Yes sir.

Q John Blakeley Jr. personally? A Yes sir. Knew the whole family personally; was raised right there with them; we and the children was raised together.

(Witness excused).

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on January 14, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 14th day of January, 1902.

*Charles Mitchell*

Notary Public.

#2857.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., August 25, 1902.

In the matter of the application of Tempie McAllister, et al., for identification as Mississippi Choctaws.

A. Telle, Attorney for applicants. No appearance.

Additional testimony of Tempie McAllister.

Tempie McAllister being first duly sworn testifies as a witness in the consolidated case, M. C. R. 2857, Tempie McAllister, et al., as follows:

Examination by the Commission.

- Q What is your name? A Tempie McAllister.
- Q What is your post office address? A Waco, Texas.
- Q What is your age? A Forty-nine, fifty I believe now.
- Q Have you made application to be identified as a Mississippi Choctaw before the Dawes Commission? A Yes sir.
- Q Do you remember the date of that application? A I think some time this July a year ago, I don't remember the date.
- Q Did you appear before the Commission on July 8th, 1901? A Some time in July, I don't remember the date.
- Q At the time you did appear you made application for two minor children, Bernice and Bruce McAllister? A Yes sir.
- Q You claim to have how much Choctaw blood? A One-eighth.
- Q What is your purpose in coming before the Commission today, Mrs. McAllister? A As a witness for some parties, relations to this family, and to correct some other matters.
- Q What is the name of your common ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Elizabeth Smith, who married John Blakeley, a one half Choctaw.
- Q She was your grandmother? A Yes sir, my grandmother.
- Q You have already given your testimony fully as to your descent from her? A Yes sir.
- Q Today you desire to give testimony in regard to some of the applicants who have appeared before the Commission as descendants of Elizabeth Smith who married John Blakeley showing their lineal descent? A Yes sir.
- Q Who was James Blakeley? A He was a son of Elizabeth Blakeley and John Blakeley.
- Q Your common ancestor? A Yes sir.
- Q Can you give the names of his children? A There was several of them.
- Q And who was William S. Blakeley? A He was a son of John Blakeley, he married Matilda Harris.
- Q Can you give their children? A Their eldest was James E., and one Marshall.

Temple McAllister—8

- Q Whom did James marry? A Amanda Blakeley.
- Q Do you remember Hannie Blakeley? A Yes sir, that is a daughter, I don't think she has appeared.
- Q Whom did she marry? A I don't remember his name right now.
- Q You gave the name of Marshall Blakeley, was that a son of William S. also? A Yes sir, I think so.
- Q Who was Homer Blakeley? A One of his little boys I suppose.
- Q Who was Sally Blakeley? A His little daughter I presume.
- Q Did James E. Blakeley who married Amanda have any children? A Yes sir, some small children but I don't know them.
- Q Would you know their names if you heard them called? A I don't think I would, I did not know his children.
- Q Who was John Blakeley who is now dead? A He was the oldest son of Elizabeth Smith and John Blakeley.
- Q Do you remember the name of his wife, who is dead also? A Her name was Jane.
- Q What was her maiden name? A McNeal.
- Q Did they have a son named John? A Yes sir.
- Q What was his wife's name? A I don't know that branch of the family, they are now in Mississippi, and I don't know.
- Q Do you know their children? A No sir.
- Q Who is Temple L. Blakeley.
- Q She was a daughter of Elizabeth and John Blakeley, Elizabeth Smith.
- Q Whom did she marry? A Thomas F. Tyler.
- Q Can you give the names of their children? A They have a daughter named Elizabeth and Frances O., and sons are Thomas, William and Joe and Rodolph, but they have never appeared I don't think, but Ralph Tyler a grandson of T. F. Tyler.
- Q Did Frances O. Tyler marry Charles H. Valentine? A Yes sir.
- Q Who is J. G. Tyler? A That is some of the brothers I presume.
- Q Is that J. G. Tyler a son of T. F. Tyler? A Yes sir, I presume so, I do not know the sons like I do the daughters.
- Q Did he marry a woman named Margaret? A I don't know.
- Q Have these made application before the Commission do you know? Frances O. Valentine and a nephew, Ralph Tyler, have.
- Q Give the names of the other children of Temple L. Blakeley and T. F. Tyler? A There is a Thomas.
- Q Has he been before the Commission? A I don't think he has.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A I really don't know.
- Q Have they any children? A Yes sir, I think so.
- Q Do you know the names of any of them? A No sir.
- Q How the name of the next child of Temple L. and T. F. Tyler? A Elizabeth is one.
- Q What is her married name? A Hunt was her first married name, but she has re-married recently.
- Q Do you know his full name? A I do not.
- Q Did they have any children? A Yes sir.
- Q Can you name them? A Temple Hunt was one.
- Q Where do they live now? A Near Fairy in Texas.
- Q They have been before the Commission? A No sir.
- Q Can you give the name of the other husband of Elizabeth Tyler? A I can't remember the name right now, his given name is David, and I can't remember the other name, it is a very odd name.
- Q Did they have any children? A One baby.
- Q Do you know the name? A I do not.
- Q Do you remember any other children of Temple L. and T. F. Tyler? A There was a son William.
- Q Is he living? A Yes sir.

Temple McAllister — 3

- Q Is he married? A Yes sir.
- Q Whom did he marry? A I do not remember her maiden name, I never have been very well acquainted with her, her given name is Cora.
- Q Have they children? A I think they have.
- Q Can you give the names? A No sir.
- Q How many did they have? A I don't know.
- Q Any other children of Temple L. and T. F. Tyler? A Joseph Tyler.
- Q Whom did he marry? Q Who did he marry? A I don't know his first wife, as I am not much acquainted with her at all.
- Q He had two wives? A Yes sir.
- Q Has he any children? A I think he has by his first wife, one is Ralph, he has been before the Commission. None of the rest have been and I don't suppose they will come.
- Q Joseph Tyler is living? A Yes sir.
- Q Has he been before the Commission? A No sir.
- Q What is his post office address? A I think it is San Angelo, Texas.
- Q And Ralph Tyler's post office address is what? A Fairy, Hamilton County, Texas.
- Q Do you remember any other children of Temple L. and T. F. Tyler? A Rodolph Tyler.
- Q Has he been before the Commission? A No sir.
- Q What is his post office address? A Fairy, Texas.
- Q What is the name of his wife? A I don't remember her name.
- Q Did they have children? A One or two of them.
- Q Can you recall them? A No sir.
- Q Any other children of Temple L. and T. F. Tyler? A I do not remember of any others.
- Q Do you remember the names of the children of Frances O. Tyler who married Charles H. Valentine? A No sir, I don't remember all their names.
- Q Do you know they had a son named John? A Yes sir.
- Q He is married is he? A Yes sir.
- Q Did he marry a woman named Amanda? A I don't remember her name.
- Q Did they have a daughter named Alice A.? A Alice, I don't remember the other name.
- Q Did they have a son named Edgar O.? A I think so, I don't remember all the names of the children.
- Q Mattie L.? A Yes sir, I remember all of the children but do not remember all the names distinctly.
- Q Do you remember Ernest E.? A Yes sir.
- Q Joseph Tyler is J. G. Tyler who married Margaret? A I don't know.
- Q They had a son named Ralph? A Yes sir, by his first wife.
- Q Who is Father Blakeley who married T. B. Wells? A Yes sir, her name is Mathera Blakeley.
- Q She is now dead is she not? A Yes sir, long since.
- Q Is she the daughter of Elizabeth Smith Blakeley and John Blakeley, is that the common ancestor? A Yes sir, my grandparents.
- Q Is T. B. Wells living? A Her husband, - no sir. She has a son Thomas Wells, living.
- Q Was he a white man? A Yes sir.
- Q And she was the daughter of Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Who was the common ancestor of all these descendants? A Yes sir



Temple McAllister—4

- Q Did she have a daughter? A Yes sir, Elizabeth.  
Q Is she living? A No sir.  
Q Whom did she marry? A Alfred F. Perry.  
Q Is he living? A I think so.  
Q A white man? A Yes sir.  
Q Did they have any children? A Yes sir.  
Q Will you give their names, commencing with the oldest? A  
There was several of them, Laura, Mary, Annie.  
Q Laura E? A Yes sir.  
Q Mary M.? A Yes sir.  
Q Annie G. Perry? A Yes sir.  
Q Any others? A Yes sir, there is Lula or Lodie, and Alice,  
and one boy named Alfred I think.  
Q Are these three living? A Yes sir.  
Q Lula living? A Yes sir I think so, but I don't remember her  
post office.  
Q Is Alice living? A Yes sir.  
Q Is Alfred living? A Yes sir.  
Q No application seems to have been made for these three chil-  
dren? A No sir.  
Q Whom did Annie G. Perry marry? A Mr. Lowhon, I don't remember  
his given name.  
Q Would you remember the name any further if it were given to  
you? A No sir, I am not acquainted with Mr. Lowhon, I know  
my cousin but don't know her husband.  
Q Have they any children? A I think so.  
Q Can you give their names? A No sir.  
Q Would you remember the names if you heard them? A No sir I  
don't know them at all, I have never seen the children.  
Q Whom did Mary M. Perry marry? A A Bird, I don't know his  
initials.  
Q Would you know them if you heard them? A No sir.  
Q Is Mary M. Perry who married Bird living? A Yes sir.  
Q Do you know their children? A No sir I do not.  
Q Would you remember the names if you heard them? A No sir, I  
do not know the children at all.  
Q Do you know how many they had? A Something like two or three  
or four apiece.  
Q Whom did Laura E. Perry marry? A A Mr. Bird.  
Q Do you know his full name? A No sir.  
Q Would you know his name if you heard it? A No sir, I do not  
think so.  
Q You do not remember if it was Thomas F. Bird? A No sir.  
Q Did they have any children? A Yes sir they have some chil-  
dren.  
Q How many? A I don't know, two or three of them.  
Q Would you remember their names? A No sir, I have never met  
Laura since she has been married, she was partly raised right  
near me, but I have never seen her since she married.  
Q Annie G. Lowhon, Mary Bird and Laura Bird are the three chil-  
dren of Elizabeth Wells who married Alfred F. Perry, and Elis-  
abeth Wells who married Alfred F. Perry is the daughter of  
Mathera Blakeley who married T. B. Wells, is that right? A  
Yes sir.  
Q And Mathera is the daughter of Elizabeth Smith who married John  
Blakeley? A Yes sir.  
Q You have testified to all you know with reference to the Wells  
and Bird families? A Yes sir, that's all I know about them,  
they are the daughters of Elizabeth Wells who married Alfred  
F. Perry.



Temple McAllister-----5

- Q They all claim through the same common ancestor through whom you claim, Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Who was Elizabeth Blakeley who married David Williamson? A She was the daughter of Elizabeth Smith and John Blakeley.
- Q Elizabeth Smith is the common ancestor and she married John Blakeley? A Yes sir.
- Q Do you know when she married David Williamson? A No sir.
- Q Where were they married? A In Mississippi.
- Q Did she have a daughter named Saphronia Williamson? A Yes sir.
- Q Who did she marry? A John Yirby.
- Q Is she living or dead? A She is dead.
- Q Is John Yirby living? A Yes sir.
- Q Where? A Freestone County, Texas.
- Q Has he married again? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Can you give the names of the children of Saphronia Williamson and John Yirby? A I can't give them all, there is Callie who married Bryant, and Emma, I think she married a Bryant too, I am not sure, I don't remember her husband's name right now.
- Q Where does she live? A In Freestone County, Texas.
- Q Has she any children? A I think maybe she has.
- Q Do you know them? A No sir, I do not.
- Q Can you give the names of the children of Callie V. Yirby who married Samuel L. Bryant? A No sir, I don't know.
- Q She has been before the Commission has she, and has given the names? A Yes sir.
- Q You can not recall any other children of Saphronia who married John Yirby? A No sir, I don't remember the names.
- Q These are all descended from the same common ancestor through whom you claim? A Yes sir.
- Q Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Is that all you can testify to with reference to the descendants of Saphronia and John Yirby? A Yes sir, that's all I know, I do not know her children.
- Q A short time ago you testified that Mathera Blakeley who married Wells had a daughter, Elizabeth who married Alfred F. Perry, and that she had children whose names were not given before the Commission, Lula or Ludie and Alfred and Alice? A Yes sir, I don't know their post office now.
- Q What is Lula or Ludie's present name? A I do not know.
- Q Has she a family or children? A She is married, but I don't know whether she has any children or not I think she has one or two. I have not met either of the girls since they have married.
- Q Is Alice living? A Yes sir.
- Q Is she married? A Yes sir, I think so.
- Q Give me her present name? A I don't remember it.
- Q Has she any children? A I don't know.
- Q Can you give her present post office address? A I have it, but I can't remember it right now.
- Q Have you got it with you? A Yes sir.
- Q Can you look it up and give her post office address? A Yes sir, I have a letter; one of the sisters married a Butler, Ludie Butler.
- Q Ludie Perry married a Butler? A Yes sir.
- Q What is his name? A I do not know.
- Q Where do they live? A Elkhart, Texas.
- Q Her Alice? A She married Davis.
- Q What is his full name? A They did not give the full name.
- Q Where do they live? A Elkhart, Texas.

Temple McAllister—6

- Q Now Alfred? A No sir, it is Thomas instead of Alfred, he is their only brother.
- Q Is he married? A I don't know, none of those have been before the Commission here.
- Q Is he at Elkhart? A Yes sir, all at Elkhart.
- Q These are all the children of Elizabeth Wells who married Alfred F. Perry? A Yes sir.
- Q And these three have not been before the Commission? A No sir.
- Q They claim through the same common ancestor through whom you claim? A Yes sir, Ludie and Alice were both Perry's and Ludie married Butler and Alice married Davis, and I don't know whether Thomas is married or not.
- Q Are there any other descendants that you can recall whom you were to connect under this common ancestor today? A No sir, except these Lowhon and Bird girls there is no other member of their family except an uncle, Thomas Wells, who lives at San Angelo.
- Q Has he been before the Commission? A No sir, not that I know of.
- Q What is his name? A Thomas Wells.
- Q What was his father's name? A Thomas Wells was his father's name too, and the mother was Mathera, he is an uncle to these Perry girls, he is the only other living member of the family that I know of.
- Q What is his wife's name? A His former wife was Saphronia, he has recently married, I do not know his last wife's name. Thomas Wells' mother was Mathera Blakeley, and he is an uncle to these Perry girls who married Bird and Lowhon.
- Q Thomas Wells was a brother to Elizabeth Perry? A Yes sir.
- Q And he married whom? A His first wife's name was Saphronia, I don't know his last wife's name.
- Q What children did he have? A He had no children.
- Q He is living where now? A In San Angelo, Texas.
- Q Have you given all the names of your relatives who are descendants from this common ancestor that you can recall? A All that I know of, yes sir, if there is any others I don't know it.
- Q Now, do you know whether any of them complied with article fourteen of the treaty of 1830? A I do not.
- Q The testimony that has been given in your own case and also the cases of others who claim through the same common ancestor through whom you and they claim is in support also of the claim they make, is it not? A Yes sir.
- Q Whatever testimony is applicable to your own application and all other relatives is applicable to theirs is it? A Yes sir.
- Q Is there anything further that you want to testify to that you think of now? A Nothing that I know of.
- Q You have testified to those families and to those individuals claiming through the same common ancestor that you have been instructed to by your attorney, Mr. A. Telle, have you? A Yes sir.
- Q And it was at his request that you came here today to testify? A Yes sir.

Witness excused.

Temple McAllister-----7

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of August, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

*W. H. Martin*

Subscribed and sworn to before me this 6 day of September, 1902.

*B. C. Jones*  
Notary Public.

Temple McAllister—2

- Q Whom did James marry? A Amanda Blakeley.
- Q Do you remember Nannie Blakeley? A Yes sir, that is a daughter, I don't think she has appeared.
- Q Whom did she marry? A I don't remember his name right now.
- Q You gave the name of Marshall Blakeley, was that a son of William S. also? A Yes sir, I think so.
- Q Who was Homer Blakeley? A One of his little boys I suppose.
- Q Who was Sally Blakeley? A His little daughter I presume.
- Q Did James E. Blakeley who married Amanda have any children? A Yes sir, some small children but I don't know them.
- Q Would you know their names if you heard them called? A I don't think I would, I did not know his children.
- Q Who was John Blakeley who is now dead? A He was the oldest son of Elizabeth Smith and John Blakeley.
- Q Do you remember the name of his wife, who is dead also? A Her name was Jane.
- Q What was her maiden name? A McNeal.
- Q Did they have a son named John? A Yes sir.
- Q What was his wife's name? A I don't know that branch of the family, they are now in Mississippi, and I don't know.
- Q Do you know their children? A No sir.
- Q Who is Temple L. Blakeley.
- Q She was a daughter of Elizabeth and John Blakeley, Elizabeth Smith.
- Q Whom did she marry? A Thomas F. Tyler.
- Q Can you give the names of their children? A They have a daughter named Elizabeth and Frances O., and sons are Thomas, William and Joe and Rodolph, but they have never appeared I don't think, but Ralph Tyler a grandson of T. F. Tyler.
- Q Did Frances O. Tyler marry Charles H. Volentine? A Yes sir.
- Q Who is J. G. Tyler? A That is some of the brothers I presume.
- Q Is that J. G. Tyler a son of T. F. Tyler? A Yes sir, I presume so, I do not know the sons like I do the daughters.
- Q Did he marry a woman named Margaret? A I don't know.
- Q Have these made application before the Commission do you know? Frances O. Volentine and a nephew, Ralph Tyler, have.
- Q Give the names of the other children of Temple L. Blakeley and T. F. Tyler? A There is a Thomas.
- Q Has he been before the Commission? A I don't think he has.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A I really don't know.
- Q Have they any children? A Yes sir, I think so.
- Q Do you know the names of any of them? A No sir.
- Q Now the name of the next child of Temple L. and T. F. Tyler? A Elizabeth is one.
- Q What is her married name? A Hunt was her first married name, but she has re-married recently.
- Q Do you know his full name? A I do not.
- Q Did they have any children? A Yes sir.
- Q Can you name them? A Temple Hunt was one.
- Q Where do they live now? A Near Fairy in Texas.
- Q They have been before the Commission? A No sir.
- Q Can you give the name of the other husband of Elizabeth Tyler? A I can't remember the name right now, his given name is David, and I can't remember the other name, it is a very odd name.
- Q Did they have any children? A One baby.
- Q Do you know the name? A I do not.
- Q Do you remember any other children of Temple L. and T. F. Tyler? A There was a son William.
- Q Is he living? A Yes sir.

Temple McAllister—3

- Q Is he married? A Yes sir.
- Q Whom did he marry? A I do not remember her maiden name, I never have been very well acquainted with her, her given name is Gora.
- Q Have they children? A I think they have.
- Q Can you give the names? A No sir.
- Q How many did they have? A I don't know.
- Q Any other children of Temple L. and T. F. Tyler? A Joseph Tyler.
- Q Whom did he marry? Q Whom did he marry? A I don't know his first wife, as I am not much acquainted with her at all.
- Q He had two wives? A Yes sir.
- Q Has he any children? A I think he has by his first wife, one is Ralph, he has been before the Commission. None of the rest have been and I don't suppose they will come.
- Q Joseph Tyler is living? A Yes sir.
- Q Has he been before the Commission? A No sir.
- Q What is his post office address? A I think it is San Angelo, Texas.
- Q And Ralph Tyler's post office address is what? A Fairy, Hamilton County, Texas.
- Q Do you remember any other children of Temple L. and T. F. Tyler? A Rodolph Tyler.
- Q Has he been before the Commission? A No sir.
- Q What is his post office address? A Fairy, Texas.
- Q What is the name of his wife? A I don't remember her name.
- Q Did they have children? A One or two of them.
- Q Can you recall them? A No sir.
- Q Any other children of Temple L. and T. F. Tyler? A I do not remember of any others.
- Q Do you remember the names of the children of Frances O. Tyler who married Charles H. Volentine? A No sir, I don't remember all their names.
- Q Do you know they had a son named John? A Yes sir.
- Q He is married is he? A Yes sir.
- Q Did he marry a woman named Amanda? A I don't remember her name.
- Q Did they have a daughter named Alice A.? A Alice, I don't remember the other name.
- Q Did they have a son named Edgar O.? A I think so, I don't remember all the names of the children.
- Q Mattie L.? A Yes sir, I remember all of the children but do not remember all the names distinctly.
- Q Do you remember Ernest E.? A Yes sir.
- Q Joseph Tyler is J. G. Tyler who married Margaret? A I don't know.
- Q They had a son named Ralph? A Yes sir, by his first wife.
- Q Who is Mather Blakeley who married T. B. Wells? A Yes sir, her name is Mathera Blakeley.
- Q She is now dead is she not? A Yes sir, long since.
- Q Is she the daughter of Elizabeth Smith Blakeley and John Blakeley, is that the common ancestor? A Yes sir, my grandparents.
- Q Is T. B. Wells living? A Her husband, - no sir. She has a son Thomas Wells, living.
- Q Was he a white man? A Yes sir.
- Q And she was the daughter of Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Who was the common ancestor of all these descendants? A Yes sir.

Temple McAllister-----4

- Q Did she have a daughter? A Yes sir, Elizabeth.  
Q Is she living? A No sir.  
Q Whom did she marry? A Alfred F. Perry.  
Q Is he living? A I think so.  
Q A white man? A Yes sir.  
Q Did they have any children? A Yes sir.  
Q Will you give their names, commencing with the eldest? A  
There was several of them, Laura, Mary, Annie.  
Q Laura E? A Yes sir.  
Q Mary M.? A Yes sir.  
Q Annie C. Perry? A Yes sir.  
Q Any others? A Yes sir, there is Lula or Lattie, and Alice,  
and one boy named Alfred I think.  
Q Are these three living? A Yes sir.  
Q Lula living? A Yes sir I think so, but I don't remember her  
post office.  
Q Is Alice living? A Yes sir.  
Q Is Alfred living? A Yes sir.  
Q No application seems to have been made for these three chil-  
dren? A No sir.  
Q Whom did Annie C. Perry marry? A Mr. Lowhon, I don't remember  
his given name.  
Q Would you remember the name any further if it were given to  
you? A No sir, I am not acquainted with Mr. Lowhon, I know  
my cousins but don't know her husband.  
Q Have they any children? A I think so.  
Q Can you give their names? A No sir.  
Q Would you remember the names if you heard them? A No sir I  
don't know them at all, I have never seen the children.  
Q Whom did Mary M. Perry marry? A A Bird, I don't know his  
initials.  
Q Would you know them if you heard them? A No sir.  
Q Is Mary M. Perry who married Bird living? A Yes sir.  
Q Do you know their children? A No sir I do not.  
Q Would you remember the names if you heard them? A No sir, I  
do not know the children at all.  
Q Do you know how many they had? A Something like two or three  
or four apiece.  
Q Whom did Laura E. Perry marry? A A Mr. Bird.  
Q Do you know his full name? A No sir.  
Q Would you know his name if you heard it? A No sir, I do not  
think so.  
Q You do not remember if it was Thomas F. Bird? A No sir.  
Q Did they have any children? A Yes sir they have some chil-  
dren.  
Q How many? A I don't know, two or three of them.  
Q Would you remember their names? A No sir, I have never met  
Laura since she has been married, she was partly raised right  
near me, but I have never seen her since she married.  
Q Annie C. Lowhon, Mary Bird and Laura Bird are the three chil-  
dren of Elizabeth Wells who married Alfred F. Perry, and Eliz-  
abeth Wells who married Alfred F. Perry is the daughter of  
Mathera Blakeley who married T. B. Wells, is that right? A  
Yes sir.  
Q And Mathera is the daughter of Elizabeth Smith who married John  
Blakeley? A Yes sir.  
Q You have testified to all you know with reference to the Wells  
and Bird families? A Yes sir, that's all I know about them,  
they are the daughters of Elizabeth Wells who married Alfred  
F. Perry.



Temple McAllister - 5

- Q They all claim through the same common ancestor through whom you claim, Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Who was Elizabeth Blakeley who married David Williamson? A She was the daughter of Elizabeth Smith and John Blakeley.
- Q Elizabeth Smith is the common ancestor and she married John Blakeley? A Yes sir.
- Q Do you know when she married David Williamson? A No sir.
- Q Where were they married? A In Mississippi.
- Q Did she have a daughter named Saphronia Williamson? A Yes sir.
- Q Whom did she marry? A John Yirby.
- Q Is she living or dead? A She is dead.
- Q Is John Yirby living? A Yes sir.
- Q Where? A Freestone County, Texas.
- Q Has he married again? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Can you give the names of the children of Saphronia Williamson and John Yirby? A I can't give them all, there is Callie who married Bryant, and Emma, I think she married a Bryant too, I am not sure, I don't remember her husband's name right now.
- Q Where does she live? A In Freestone County, Texas.
- Q Has she any children? A I think maybe she has.
- Q Do you know them? A No sir, I do not.
- Q Can you give the names of the children of Callie V. Yirby who married Samuel L. Bryant? A No sir, I don't know.
- Q She has been before the Commission has she, and has given the names? A Yes sir.
- Q You can not recall any other children of Saphronia who married John Yirby? A No sir, I don't remember the names.
- Q These are all descended from the same common ancestor through whom you claim? A Yes sir.
- Q Elizabeth Smith who married John Blakeley? A Yes sir.
- Q Is that all you can testify to with reference to the descendants of Saphronia and John Yirby? A Yes sir, that's all I know, I do not know her children.
- Q A short time ago you testified that Mathera Blakeley who married Wells had a daughter, Elizabeth who married Alfred F. Perry, and that she had children whose names were not given before the Commission, Lula or Ludie and Alfred and Alice? A Yes sir, I don't know their post office now.
- Q What is Lula or Ludie's present name? A I do not know.
- Q Has she a family of children? A She is married, but I don't know whether she has any children or not I think she has one or two. I have not met either of the girls since they have married.
- Q Is Alice living? A Yes sir.
- Q Is she married? A Yes sir, I think so.
- Q Give me her present name? A I don't remember it.
- Q Has she any children? A I don't know.
- Q Can you give her present post office address? A I have it, but I can't remember it right now.
- Q Have you got it with you? A Yes sir.
- Q Can you look it up and give her post office address? A Yes sir, I have a letter; one of the sisters married a Butler, Ludie Butler.
- Q Ludie Perry married a Butler? A Yes sir.
- Q What is his name? A I do not know.
- Q Where do they live? A Elkhart, Texas.
- Q Now Alice? A She married Davis.
- Q What is his full name? A They did not give the full name.
- Q Where do they live? A Elkhart, Texas.



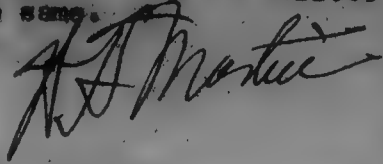
Temple McAllister — 3

- Q Now Alfred? A No sir, it is Thomas instead of Alfred, he is their only brother.
- Q Is he married? A I don't know, none of those have been before the Commission here.
- Q Is he at Elkhart? A Yes sir, all at Elkhart.
- Q These are all the children of Elizabeth Wells who married Alfred F. Perry? A Yes sir.
- Q And these three have not been before the Commission? A No sir.
- Q They claim through the same common ancestor through whom you claim? A Yes sir, Ludie and Alice were both Perry's and Ludie married Butler and Alice married Davis, and I don't know whether Thomas is married or not.
- Q Are there any other descendants that you can recall whom you were to connect under this common ancestor today? A No sir, except these Lowhon and Bird girls there is no other member of their family except an uncle, Thomas Wells, who lives at San Angelo.
- Q Has he been before the Commission? A No sir, not that I know of.
- Q What is his name? A Thomas Wells.
- Q What was his father's name? A Thomas Wells was his father's name too, and the mother was Mathera, he is an uncle to these Perry girls, he is the only other living member of the family that I know of.
- Q What is his wife's name? A His former wife was Saphronia, he has recently married, I do not know his last wife's name. Thomas Wells' mother was Mathera Blakeley, and he is an uncle to these Perry girls who married Bird and Lowhon.
- Q Thomas Wells was a brother to Elizabeth Perry? A Yes sir.
- Q And he married whom? A His first wife's name was Saphronia, I don't know his last wife's name.
- Q What children did he have? A He had no children.
- Q He is living where now? A In San Angelo, Texas.
- Q Have you given all the names of your relatives who are descendants from this common ancestor that you can recall? A All that I know of, yes sir, if there is any others I don't know it.
- Q Now, do you know whether any of them complied with article fourteen of the treaty of 1830? A I do not.
- Q The testimony that has been given in your own case and also the cases of others who claim through the same common ancestor through whom you and they claim is in support also of the claim they make, is it not? A Yes sir.
- Q Whatever testimony is applicable to your own application and all other relatives is applicable to theirs is it? A Yes sir.
- Q Is there anything further that you want to testify to that you think of now? A Nothing that I know of.
- Q You have testified to those families and to those individuals claiming through the same common ancestor that you have been instructed to by your attorney, Mr. A. Telle, have you? A Yes sir.
- Q And it was at his request that you came here today to testify? A Yes sir.

Witness excused.

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Temple McAllister-----7

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of August, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.



Subscribed and sworn to before me this 6 day of September, 1902.

B. C. Jones  
Notary Public.

*Cwe*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tempie McAllister, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:-

Tempie McAllister, et al.,	M.C.R. 2857
Robert E. Lee, et al.,	M.C.R. 1468
Malissa Boyd,	M.C.R. 1485
Ethel Sherrer,	M.C.R. 1486
Fred Lee,	M.C.R. 1491
Vernile Lee,	M.C.R. 1492
Jacob C. Lee, et al.,	M.C.R. 1515
Nannie Wood, et al.,	M.C.R. 1516
Claudia Murray, et al.,	M.C.R. 1517
George W. Lee, et al.,	M.C.R. 1518
Shade Gere,	M.C.R. 1519
Nancy A. Williams, et al.,	M.C.R. 1743
Hiram Blakeley, et al.,	M.C.R. 2541
William Lee, et al.,	M.C.R. 2559
Jacob H. Lee,	M.C.R. 2694
Nancy A. Schmidt, et al.,	M.C.R. 2695
Fred B. Lee,	M.C.R. 2696
Lillian Thomas, et al.,	M.C.R. 2853
Margie Adams, et al.,	M.C.R. 2854
Oral Boyd, et al.,	M.C.R. 2855
William D. Williamsen, et al.,	M.C.R. 2856
Arcada DuBose, et al.,	M.C.R. 2858
Albert Edward Boyd,	M.C.R. 2859
Olive Smith, et al.,	M.C.R. 2888
William Cary DuBose, et al.,	M.C.R. 2889
J. Dale Adams,	M.C.R. 2898
William L. Blakley,	M.C.R. 2890
Sarah M. Adams, et al.,	M.C.R. 2901
Merlin C. Adams, et al.,	M.C.R. 2902
Thomas B. Ross, et al.,	M.C.R. 2903
Arthur A. Ross, et al.,	M.C.R. 2904
Mattie Foraytha, et al.,	M.C.R. 2997
Maria Gipsen, et al.,	M.C.R. 3139
Lawrence L. Boyd, et al.,	M.C.R. 3154
Joseph K. Boyd, et al.,	M.C.R. 3155
Nora B. Hilley,	M.C.R. 3156
William P. Walker,	M.C.R. 3157
John Owens,	M.C.R. 3158
William J. Adams,	M.C.R. 3854
Cynthia Adams Hill, et al.,	M.C.R. 3863

William M. Blakeley, et al.,	M.C.R. 4148
Ida Calams, et al.,	M.C.R. 1487
Mellie Blackledge,	M.C.R. 1489
Aleck Blackledge, et al.,	M.C.R. 1490
Lula Haskins, et al.,	M.C.R. 1488
John Jordan, et al.,	M.C.R. 1469
Frances O. Vellentine, et al.,	M.C.R. 5063
John T. Vellentine,	M.C.R. 5064
Callie V. Bryant, et al.,	M.C.R. 5065
William S. Blakeley, et al.,	M.C.R. 5066
James E. Blakeley, et al.,	M.C.R. 5067
Ralph Tyler,	M.C.R. 5068
Walter S. Blakeley, et al.,	M.C.R. 5069
Mary M. Bird, et al.,	M.C.R. 5321
Gora Langston, et al.,	M.C.R. 5322
Annie C. Lawhon, et al.,	M.C.R. 5323
Laura E. Bird, et al.,	M.C.R. 5324
Oscar Thomas Boyd, et al.,	M.C.R. 5448
John Blakeley, et al.,	M.C.R. 5873
Albany Kennedy, et al.,	M.C.R. 5874
Mary Frances Knewles, et al.,	M.C.R. 5875
Sarah A. Harris, et al.,	M.C.R. 5876
Thomas L. Kennedy,	M.C.R. 5877
Robert E. Kennedy, et al.,	M.C.R. 5878
James Overstreet, et al.,	M.C.R. 499
Thomas J. Overstreet, et al.,	M.C.R. 500
William H. Overstreet,	M.C.R. 503
Belle Rape, et al.,	M.C.R. 504
Cornelius L. Overstreet,	M.C.R. 505
Riley Overstreet, et al.,	M.C.R. 506
Rebecca Overstreet, et al.,	M.C.R. 507
John A. Overstreet, et al.,	M.C.R. 508
John F. Overstreet, et al.,	M.C.R. 554
Ema Simpson, et al.,	M.C.R. 674

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Tempie McAllister for herself and her two minor children, Bernice and Bruce McAllister; by Robert E. Lee for himself and his five minor children, Renah, Ruth, Robert, Bessie and Stella Lee; by Melissa Boyd for herself; by Ethel Sherrer for herself; by Fred

Lee for himself; by Vernile Lee for himself; by Jacob C. Lee for himself and his five minor children, William, Ray, Jessie D., Jacob W. and Clairbel Lee; by Nannie Wood for herself and her two minor children, Sybil and Lula H. Wood; by Claudia Murray for herself and her minor child, Emmitt Murray; by George W. Lee for himself and his seven minor children, Mary A., Laura M., Jacob W., George E., William S., Benjamin and Winnie Lee; by Shade Gere for himself; by Nancy A. Williams for herself and her three minor children, George Washington, Rheda and Elisha A. Williams; by Hiram Blakeley for himself and his three minor children, Ella, Annie and Johnnie Blakeley; by William Lee for himself and his five minor children, Robert E., William H., Zerah E., Dora A. and Granville H. Lee; by Jacob H. Lee for himself; by Nancy A. Schmiat for herself and her minor child, Johnnie H. Schmiat; by Fred E. Lee for himself; by Lillian Thomas for herself and her seven minor children, Jessie, Charles Porter, William Vernon, Robert Oral, Anna, Ira and Nettie Thomas; by Margie Adams for herself and her eight minor children, Leila H., Willie H., Robert, Lissie, John David, Jeff, Jennie and Sallie Lou Adams; by Oral Boyd for himself and his three minor children, Ananda May, Lillie Gertrude and William Curtis Boyd; by William D. Williamson for himself and his seven minor children, Edgar, Joseph D., Fannie, Annie, Jewel, Susie and William Cary Williamson; by Arcada DuBose for herself and her three minor brothers, Hiram H. Walker, Henry Walker and Jim Walker; by Albert Edward Boyd for himself; by Olive Smith for herself and her minor child, Carlisle Smith; by Thomas J. DuBose for his four minor children, William Cary, Hattie V., Robert Chester and C. B. DuBose; by J. Dale Adams for himself; by William L. Blakeley for himself; by Sarah M. Adams for herself and her minor child, W. Lynn Adams; by Merlin C. Adams for himself and his minor child, Wallace Adams; by

Thomas B. Ross for himself and his five minor children, Lilly May, Vennie Bysmark, David Harnett, William Malcolm and Scenie Vere Ross; by Arthur A. Ross for himself and his four minor children, Temmie, Media, Mallia and Ollie Mildred Ross; by Mattie Forsythe for herself and her two minor children, Freddy and Burtty Forsythe; by Maria Gipsen for herself and her five minor children, James Owens, Eugene Owens, Florence Owens, Conrad Gipsen and Dalton Gipsen; by Lawrence L. Boyd for himself and his four minor children, Henry, Gussie, Richard and Beatrice Boyd; by Joseph K. Boyd for himself and his three minor children, Frank, Frances and Allene Boyd; by Nora B. Hilley for herself; by William F. Walker for himself; by John Owens for himself; by William J. Adams for himself; by Cynthia Adams Hill for herself and her five minor children, Ermine, Mark, Annie, Ada and Robert Hill; by William M. Blakeley for himself and his nine minor children, Ada R., Walter R., Thomas I., Francis J., Della, Ida M., Hiram, Ira J. and Edgar Blakeley; by Ida Calams for herself and her three minor children, Della, Bessie and Nora Calams; by Nellie Blackledge for herself; by Aleck Blackledge for himself and his three minor children, Ellen, Lee and Leonard Blackledge; by Lula Haskins for herself and her six minor children, Rebecca, Minnie, Thomas, Lee, Vivian and Nellie Haskins; by John Jordan for himself and his six minor children, Elmer, Austin, Robert, Joseph B., Effie M. and James Menree Jordan; by Frances O. Vellentine for herself and her four minor children, Alice A., Edgar O., Mattie L. and Ernest E. Vellentine; by John T. Vellentine for himself; by Callie V. Bryant for herself and her three minor children, Bertha Lee, Mamie A. and Harvey Leland Bryant; by William S. Blakeley for himself and his three minor children, Marshal, Homer and Sallie Blakeley; by James E. Blakeley for himself and his three minor children, Minnie Lee, William Edward and Jesse Ray Blakeley;



by Ralph Tyler for himself; by Lola B. Hoffington for her eight minor children, Walter S., Ida L., Robert L., Albert H., Edgar D., Lucy Emma, Claud C. and Ernest V. Blakeley; by Mary M. Bird for herself and her four minor children, Nellie H., Gracie H., Alfred M. and Carl W. Bird; by Cera Langston for herself and her minor child, Elmer N. Langston; by Annie C. Lawhon for herself and her two minor children, Ferrel Young and Frank George Lawhon; by Laura E. Bird for herself and her three minor children, Cleary C., Roy Floyed and William Ray Bird; by Oscar Thomas Boyd for himself and his two minor children, Lola Thelma and Albert Pickens Boyd; by John Blakeley for himself and his three minor children, Sidney, Lizzie and Flora Blakeley; by Albany Kennedy for herself and her minor child, Phoebe Alice Kennedy; by Mary Frances Knowles for herself and her three minor children, Ludie William, Julia Albany and Claudie Martin Knowles; by Sarah A. Harris for herself and her four minor children, William Harrison, Robert R., Wedona and Julia Ann Harris; by Thomas L. Kennedy for himself; by Robert E. Kennedy for himself and his minor child, Ada M. Kennedy; by James Overstreet for himself and his four minor children, Ellen Nora, Etta May, Viola and Birdie Lilly Overstreet; by Thomas J. Overstreet for himself and his six minor children, Minnie, Clare, Mattie, Hattie, Wilmoth and Coleman Overstreet; by William H. Overstreet for himself; by Belle Rape for herself and her two minor children, Jaunita and Leslie Irving Rape; by Cornelius L. Overstreet for himself; by Riley Overstreet for himself; by Rebecca Overstreet for herself and her two minor children, Olivia Estella and James Ernest Overstreet, and for her minor step-child, Cera Overstreet; by John A. Overstreet for himself; by John F. Overstreet for himself and his five minor children, Myrtie, Mary C., Emma May, John W. and Julius Overstreet; and by Emma Simpson for herself and her three minor



children, Roy F., Okla and Homa Simpson; and by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, an intermarried Mississippi Choctaws, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all the applicants herein claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants, of of having married descendants, of John Smith, who is alleged to have been a full blood Choctaw Indian; those applicants embraced in applications numbered W.C.R. 1468, W.C.R. 1485, W.C.R. 1486, W.C.R. 1491, W.C.R. 1492, W.C.R. 1515, W.C.R. 1516, W.C.R. 1517, W.C.R. 1518, W.C.R. 1519, W.C.R. 1743, W.C.R. 2559, W.C.R. 2694, W.C.R. 2695, W.C.R. 2696, W.C.R. 1487, W.C.R. 1489, W.C.R. 1490, W.C.R. 1488, W.C.R. 1469, W.C.R. 2903, and W.C.R. 2904,

claim said rights also by reason of being descendants of Lucy Annie (or Annie, or Lucy Anna) Lee, nee Bun, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name John Smith appears on page 142, Volume 1 of Claimant's Brief and Evidence in the Case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in "a list of Choctaw heads of families claiming lands under the fourteenth article of the treaty of 'Dancing Rabbit Creek.'" There is nothing in the said record to show that the persons therein mentioned complied or attempted to comply with the provisions of the fourteenth article of the treaty, neither is it shown by the evidence that the John Smith, from whom applicants claim, is the identical John Smith whose name appears in the records cited. The name John Smith also appears on page 609 of Volume VII, American State Papers, Public Lands, in a bill presented in the United States Congress for the relief of certain parties, residents of that District occupied by the Choctaw Indians in the States of Mississippi and Alabama.

The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It appears from the record herein that a less remote ancestor in the person of Elizabeth Blakeley (or Blakley, or Blakely, or Blakeney, or Blakey, nee Smith), daughter of John Smith, was living and the head of a family in Mississippi in eighteen hundred and thirty, and the applicants herein have filed a certified copy of a transcript of the record of the United States Land Office at Jackson, Mississippi, by which it is attempted to be shown that Choctaw scrip certificates No. 221C and No. 534C were issued to John Blakeley by virtue of his marriage with the said Elizabeth Smith and the same is submitted as evidence of a compliance or attempted compliance upon her part with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek," but the records of the general land office (page 517 of within record), show that said scrip certificates were issued as follows: No. 534C in behalf of Charles, son of Ok-cha-tubbee; certificate No. 221C, in behalf of Imah-pieah-tunah, female, Unta-ho-te-mah, female deceased, and To-sho-ah-ho-nah, female, children of Kon-e-moon-tah, all under ten years of age at date of treaty.

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Smith, or Elizabeth Blakeley (or Blakley, or Blakely, or Blakeney, or Blakey, nee Smith), through whom these applicants claim, or Lucy Annie (or Annie, or Lucy Anna) Lee, nee Bus, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bossie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Fannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura H. Lee, Jacob W. Lee (2), George R. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff

Adams, Jennie Adams, Sallie Lou Adams, Oral Boyd, Amanda May Boyd,  
Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson,  
Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie  
Williamson, Jewel Williamson, Susie Williamson, William Cary William-  
son, Arcada DuBose, Hiram W. Walker, Henry Walker, Jim Walker,  
Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose,  
Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams,  
William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams,  
~~Wallace Adams, Thomas B. Ross, Lilly May Ross, Vennie Bysmark Ross,~~  
David Harnett Ross, William Malcolm Ross, Soenie Vere Ross, Arthur  
A. Ross, Tommie Ross, Media Ross, Mallie Ross, Ollie Mildred Ross,  
Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson,  
James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton  
Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd,  
Beatrice Boyd, Joseph K. Boyd, Freni Boyd, Frances Boyd, Allene Boyd,  
Nora B. Hilley, William F. Walker, John Owens, William J. Adams,  
Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill,  
Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R.  
Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley,  
Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley,  
Ida Calame, Della Calame, Bessie Calame, Nora Calame, Nellie Black-  
lidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard  
Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas  
Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan,  
Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie  
M. Jordan, James Monroe Jordan, Frances O. Vellentine, Alice A. Vell-  
entine, Edgar O. Vellentine, Mattie L. Vellentine, Ernest E. Vollen-  
tine, John T. Vellentine, Callie V. Bryant, Bertha Lee Bryant, Manie

A. Bryant, Harvey Leland Bryant, William B. Blakeley, Marshal  
Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie  
Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph  
Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley,  
Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C.  
Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie  
H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N.  
Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon,  
Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird,  
Oscar Thomas Boyd, Lela Thelma Boyd, Albert Pickens Boyd, John  
Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany  
Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William  
Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A.  
Harris, William Harrison Harris, Robert R. Harris, Wedona Harris,  
Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M.  
Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Over-  
street, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Over-  
street, Minnie Overstreet, Clara Overstreet, Mattie Overstreet,  
Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William  
H. Overstreet, Belle Raps, Jaunita Raps, Leslie Irving Raps,  
Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet,  
Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet,  
John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C.  
Overstreet, Emma May Overstreet, John W. Overstreet, Julius Over-  
street, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson,  
as Chectaw Indians entitled to rights in the Chectaw lands under the  
provisions of said article fourteen of the treaty of eighteen hun-  
dred and thirty, and that the applications for their identification  
as such should be refused, and it is so ordered.



It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*John A. ...*

Acting Chairman.

*I. E. Needles*

Commissioner.

*C. W. Brackley*

Commissioner.

Muskogee, Indian Territory,

JAN 23 1903



Muskogee, Indian Territory, December 7, 1901.

A. Telle,  
Attorney at Law,  
Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant, in which you ask if you will be permitted to offer certified copies of certain documentary evidence, which you wish to offer in support of the application for identification as Mississippi Choctaws of Tempie McAllister and her minor children, for filing in support of the applications of other members of her family claiming descent through the same common ancestor.

In reply to your letter you are advised that if you will offer for filing the documentary evidence which you mention in support of the claim of Tempie McAllister, it will be considered in evidence in the claims of all applicants who have made personal appearance before the Commission, and who claim their Choctaw blood from the same ancestor.

Yours truly,

MC 2857

Commissioner in Charge.

Muskogee, Indian Territory, January 9, 1902.

A. Telle,

Ateka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, stating that the witness who will testify in regard to the land scrip held by the ancestor of Tempie McAllister will be in Muskogee on January thirteenth, and asking that the case be held open until that date.

In reply to your letter you are advised that the case of Tempie McAllister, et al. will be held open until January 15, 1902, in compliance with your request.

Yours truly,

Commissioner in Charge

W.O. 2837

M.C.R. 2004

Muskogee, Indian Territory, March 6, 1902

Mr. Arthur A. Ross,  
Bertram, Texas.

Dear Sir:-

The Commission is in receipt of your letter enclosing your affidavit and copies of interrogatories thereto attached, to be propounded to Mrs. Elizabeth Williamson in your application for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes.

You are informed that the service on the attorneys for the Choctaw and Chickasaw Nations and proof thereof is in accordance with the rules and regulations adopted by the Commission, governing and regulating the taking and submission of depositions in applications for identification as Mississippi Choctaws, and that after the proper time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw Nations, a commission will be issued for the taking of the deposition of Mrs. Elizabeth Williamson and same will be forwarded to you.

Yours truly,

Commissioner in Charge

N.C. 2857

Muskogee, Indian Territory, March 11, 1903.

A. Telle,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, asking that the case of Temple McAlester, et al. applicants for identification as Mississippi Choctaws be held up until the first of April as you desire to bring some more of the descendants of John Blakeley to make application at that time.

In reply to your letter you are advised that your request will be granted, and the applications of the other descendants of John Blakeley will be heard upon their personal appearance at the office of the Commission at Muskogee, Indian Territory about the first of April.

Yours truly,

Commissioner in Charge.

M.C.R. 2857

Muskogee, Indian Territory, September 5, 1902.

The Commissioner of Indian Affairs,

Washington, D.C.

Dear Sir:-

The Commission to the Five Civilized Tribes has the honor to report that there is pending before it for its consideration, the consolidated case of Tempie McAllester, et al., applicants for identification as Mississippi Choctaws, and that said applicants have filed in support of their applications a certificate signed by James Hill, Register of the United States Land Office at Jackson, Mississippi, setting forth the sales of certain tracts of land to John Blakeley Sr., John Blakeley Jr., and John Blakeley. Among these sales appears one for the southwest quarter of the southeast quarter of Section 24, Township 6 north, Range 12 east, containing 35.76 acres, which was sold to John Blakeley Sr., on December 24, 1846 and paid for with Choctaw scrip No. 534 C; and one sale for the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter of Section 28, Township 6 north, Range 12 east, containing 79.93 acres, which was sold to John Blakeley on July 25, 1846 and paid for with Choctaw scrip No. 221 C; and one sale of the southwest quarter of the southeast quarter of

Section 34, Township 6 north, Range 12 east, containing 40.14 acres, which was sold to John Blakeley Sr., on December 24, 1846, and paid for with Choctaw scrip No. 534 C.

The certified copy of the record above referred to does not specify to whom scrip was issued, neither is that fact established by the other evidence submitted by the applicants, and as the list of names of Choctaws to whom scrip was issued under the fourteenth article of the Treaty of Dancing Rabbit Creek as prepared by the Indian Office does not show the numbers of the scrip issued to the persons named in said list, and also fails to disclose the name of a John Blakeley, it is desired that the Indian Office furnish the Commission to the Five Civilized Tribes with the information as to whom Choctaw scrip No. 534 C and 221 C was issued originally.

The applicants in the consolidated case of Tempie Mc Allester, et al., claim their right to identification as Mississippi Choctaws by reason of being descendants of one John Smith, who, they allege, was a full blood Choctaw Indian, and whose daughter, Elizabeth Smith, a half blood Choctaw woman, married John Blakeley, a white man.

Yours truly,

Acting Chairman

D.C. 17509

C O P Y

J.W.

DEPARTMENT OF THE INTERIOR.

Land  
55938-1902

Office of Indian Affairs,  
Washington,

October 4, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Ind. Ter.

Gentlemen:

On September 5, addressing this office, you stated that applicants in consolidated Mississippi Choctaw case of Temple McAllister, et al., have filed in support of their applications a certificate signed by the Register of the United States Land Office at Jackson, Miss., setting forth the sales of certain tracts of land to John Blakeley, Sr., John Blakeley Jr., and John Blakeley; that one of these sales was of the south-west quarter of the south-east quarter of section 24, township 6 north, range 12 east, 35.76 acres, which was sold to John Blakeley Sr., and paid for with Choctaw scrip No. 534 C; one sale of the southeast quarter of the northwest quarter and the northwest quarter of the southwest quarter of section 25, township 6 north, range 12 east, 79.93 acres, sold to John Blakeley and paid for with Choctaw scrip No. 221 C, and one sale of the southwest quarter of the southeast quarter of section 34, township 6 north, range 12 east, 40.14 acres, sold to John Blakeley, Sr., and paid for with Choctaw scrip No. 534 C. You ask to whom these



pieces of scrip were issued.

The letter C following the number indicates that the scrip was issued in behalf of children under ten years of age.

Choctaw scrip No. 534 C., was issued in behalf of Charles, son of Ok-cha-tubbee, who had died without issue before the taking of the proof with reference to the family, in 1843. This scrip was delivered by the representatives of the Government in March, 1846.

Choctaw scrip No. 221 C, was issued in behalf of Imah-pisah-tunah, f, Un-ta-he-te-mah, f, deceased, and To-sho-ah-ho-nah, f, children, of Ken-a-moon-tah, and was delivered in February, 1846.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

M.B.H.

C.

Miss. Choctaw 2857

Muskogee, Indian Territory, October 14, 1902.

Telle & Chambers,

Attorneys at Law,

Atoka, Indian Territory,

Gentlemen:

Your letter of August 26, 1902, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You ask therein to be advised to whom certain scrip, Choctaw 534 C and Choctaw 221 C were issued, stating that you desire the information to be used in behalf of certain applicants for identification as Mississippi Choctaws under article fourteen of the treaty of 1830 between the United States and the Choctaw Nation.

In reply to your letter you are advised that under date of October 4, 1902, the Commission was advised by the Acting Commissioner of Indian Affairs that the letter C following the number indicates that the scrip was issued in behalf of children under ten years of age, and that Choctaw scrip Number 534 C was issued in behalf of Charles, son of Ok-cha-tubbee, who had died without issue before the taking of the proof with reference to the family in 1843. This scrip was delivered by the representatives of the Government in

T & C 2

March 1846. That Choctaw scrip Number 221 C was issued in behalf of Imah-pisah-tunah, f, Un-ta-he-to-mah, f, deceased, and To-sho-ah-ho-nah, f, children of Kon-e-moon-tah, and was delivered in February, 1846.

Respectfully,

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2857.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. M. Lindly,,

South McAlester, Indian Territory,

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2857.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Chester Howe,

623 F Street, N.W.,

Washington, D.C.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468-
Melissa Boyd,	M C R 1485-
Ethel Sherrer,	M C R 1486-
Fred Lee,	M C R 1491-
Vernile Lee,	M C R 1492-
Jacob C. Lee, et al.,	M C R 1515-
Nannie Wood, et al.,	M C R 1516-
Claudia Murray, et al.,	M C R 1517-
George W. Lee, et al.,	M C R 1518-
Shade Gore,	M C R 1519-
Nancy A. Williams, et al.,	M C R 1743-
Hiram Blakeley, et al.,	M C R 2541-
William Lee, et al.,	M C R 2559-
Jacob H. Lee,	M C R 2694-
Nancy A. Schmidt, et al.,	M C R 2695-
Fred B. Lee,	M C R 2696-
Lillian Thomas, et al.,	M C R 2853-
Margie Adams, et al.,	M C R 2854-
Oral Boyd, et al.,	M C R 2855-
William D. Williamson, et al.,	M C R 2856-
Arcada DuBose, et al.,	M C R 2858-
Albert Edward Boyd,	M C R 2859-
Olive Smith, et al.,	M C R 2888-
William Cary DuBose,	M C R 2889-
J. Dale Adams,	M C R 2898-
William L. Blakley,	M C R 2890-
Sarah M. Adams, et al.,	M C R 2901-
Merlin C. Adams, et al.,	M C R 2902-
Thomas B. Ross, et al.,	M C R 2903-
Arthur A. Ross, et al.,	M C R 2904-
Mattie Forsythe, et al.,	M C R 2997-
Maria Gipson, et al.,	M C R 3139-
Lawrence L. Boyd, et al.,	M C R 3154-
Joseph K. Boyd, et al.,	M C R 3155-
Nora B. Hilley,	M C R 3156-
William F. Walker,	M C R 3157-
John Owens,	M C R 3158-



William J. Adams,	M C R 3854-
Cynthia Adams Hill, et al.,	M C R 3863-
William M. Blakeley, et al.,	M C R 4148-
Ida Culame, et al.,	M C R 1487-
Mollie Blacklidge,	M C R 1489-
Aleck Blacklidge, et al.,	M C R 1490-
Lula Haskins, et al.,	M C R 1488-
John Jordan, et al.,	M C R 1469-
Frances O. Vollentine, et al.,	M C R 5063-
John T. Vollentine,	M C R 5064-
Callie V. Bryant, et al.,	M C R 5065-
William S. Blakeley, et al.,	M C R 5066-
James E. Blakeley, et al.,	M C R 5067-
Ralph Tyler,	M C R 5068-
Walter S. Blakeley, et al.,	M C R 5069-
Mary M. Bird, et al.,	M C R 5321-
Cora Langston, et al.,	M C R 5322-
Annie C. Lawhon, et al.,	M C R 5323-
Laura E. Bird, et al.,	M C R 5324-
Oscar Thomas Boyd, et al.,	M C R 5448-
John Blakeley, et al.,	M C R 5873-
Albany Kennedy, et al.,	M C R 5874-
Mary Frances Knowles, et al.,	M C R 5875-
Sarah A. Harris, et al.,	M C R 5876-
Thomas L. Kennedy,	M C R 5877-
Robert E. Kennedy, et al.,	M C R 5878-
James Overstreet, et al.,	M C R 499-
Thomas J. Overstreet, et al.,	M C R 500-
William H. Overstreet,	M C R 503-
Belle Rupe, et al.,	M C R 504-
Cornelius L. Overstreet,	M C R 505-
Riley Overstreet, et al.,	M C R 506-
Rebecca Overstreet, et al.,	M C R 507-
John A. Overstreet, et al.,	M C R 508-
John F. Overstreet, et al.,	M C R 554-
Emma Simpson, et al.,	M C R 674-

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Delia Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Corn Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estell Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM SIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES:

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2857.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Telle & Chambers,

Atoka, Indian Territory.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1483
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Culame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rupe, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Bentrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2857

Muskogee, Indian Territory, January 23, 1903.

Temple McAllister,

915 Baylor Street,

Waco, Texas.

Dear Madam:

You are hereby advised that on the 23d day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Temple McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Temple McAllister, et al.	M.C.R. 2857
Robert E. Lee, et al.	M.C.R. 1468
Melissa Boyd	M.C.R. 1485
Ethel Sherrer	M.C.R. 1486
Fred Lee	M.C.R. 1491
Vernile Lee	M.C.R. 1492
Jacob C. Lee, et al.	M.C.R. 1515
Nannie Wood, et al.	M.C.R. 1516
Claudia Murray, et al.	M.C.R. 1517
George W. Lee, et al.	M.C.R. 1518
Shade Gore	M.C.R. 1519
Nancy A. Williams, et al.	M.C.R. 1743
Hiram Elskeley, et al.	M.C.R. 2541
William Lee, et al.	M.C.R. 2559
Jacob H. Lee	M.C.R. 2694
Nancy A. Schmidt, et al.	M.C.R. 2695
Fred B. Lee	M.C.R. 2696
Lillian Thomas, et al.	M.C.R. 2853
Margie Adams, et al.	M.C.R. 2854
Oral Boyd, et al.	M.C.R. 2855
William D. Williamson, et al.	M.C.R. 2856
Arcada DuBose, et al.	M.C.R. 2858
Albert Edward Boyd	M.C.R. 2859

Olive Smith, et al.	M.C.R. 2888
William Cary DuBose, et al.	M.C.R. 2889
J. Dale Adams	M.C.R. 2898
William L. Blakley	M.C.R. 2890
Sarah M. Adams, et al.	M.C.R. 2901
Merlin C. Adams, et al.	M.C.R. 2902
Thomas B. Ross, et al.	M.C.R. 2903
Arthur A. Ross, et al.	M.C.R. 2904
Mattie Forsythe, et al.	M.C.R. 2997
Maria Gipson, et al.	M.C.R. 3139
Lawrence L. Boyd, et al.	M.C.R. 3154
Joseph K. Boyd, et al.	M.C.R. 3155
Nora B. Hilley	M.C.R. 3156
William F. Walker	M.C.R. 3157
John Owens	M.C.R. 3158
William J. Adams	M.C.R. 3854
Cynthia Adams Hill, et al.	M.C.R. 3863
William M. Blakeley, et al.	M.C.R. 4148
Ida Calame, et al.	M.C.R. 1487
Mollie Blacklidge	M.C.R. 1489
Aleek Blacklidge, et al.	M.C.R. 1490
Lula Haskins, et al.	M.C.R. 1488
John Jordan, et al.	M.C.R. 1469
Frances O. Vollentine, et al.	M.C.R. 5063
John T. Vollentine	M.C.R. 5064
Callie V. Bryant, et al.	M.C.R. 5065
William S. Blakeley, et al.	M.C.R. 5066
James E. Blakeley, et al.	M.C.R. 5067
Ralph Tyler	M.C.R. 5068
Walter S. Blakeley, et al.	M.C.R. 5069
Mary M. Bird, et al.	M.C.R. 5321
Gora Langston, et al.	M.C.R. 5322
Annie C. Lawhon, et al.	M.C.R. 5323
Laura E. Bird, et al.	M.C.R. 5324
Oscar Thomas Boyd, et al.	M.C.R. 5448
John Blakeley, et al.	M.C.R. 5873
Albany Kennedy, et al.	M.C.R. 5874
Mary Frances Knowles, et al.	M.C.R. 5875
Sarah A. Harris, et al.	M.C.R. 5876
Thomas L. Kennedy	M.C.R. 5877
Robert E. Kennedy, et al.	M.C.R. 5878
James Overstreet, et al.	M.C.R. 499
Thomas J. Overstreet, et al.	M.C.R. 500
William H. Overstreet	M.C.R. 503
Belle Rape, et al.	M.C.R. 504



Temple McAllister, --5

Cornelius L. Overstreet	M.C.R.	505
Riley Overstreet, et al.	M.C.R.	506
Rebecca Overstreet, et al.	M.C.R.	507
John A. Overstreet, et al.	M.C.R.	508
John F. Overstreet, et al.	M.C.R.	554
Emma Simpson, et al.	M.C.R.	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Temple McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Fessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William H. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred E. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams,

Sallie Lou Adams, Oral Loyd, Amanda May Loyd, Millie Gertrude  
 Loyd, William Curtis Loyd, William D. Williamson, Edgar  
 Williamson, Joseph D. Williamson, Fannie Williamson, Annie  
 Williamson, Jewel Williamson, Susie Williamson, William Cary  
 Williamson, Arcada DuFosse, Hiram E. Walker, Henry Walker,  
 Jim Walker, Albert Edward Loyd, Olive Smith, Carlisle Smith,  
 William Cary DuFosse, Mattie V. DuFosse, Robert Chester DuFosse,  
 C. B. DuFosse, J. Dale Adams, William L. Blakeley, Sarah M.  
 Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas  
 E. Ross, Lilly May Ross, Vonnio Eysenark Ross, David Barnett  
 Ross, William Malcolm Ross, Scenic View Ross, Arthur A. Ross,  
 Fortia Ross, Media Ross, Malvin Ross, Ollie Mildred Ross,  
 Mattie Forsythe, Freddy Forsythe, Murtty Forsythe, Maria  
 Gipson, James Owens, Eugene Owens, Florence Owens, Conrad  
 Gipson, Dalton Gipson, Laurence L. Loyd, Henry Loyd, Gracie  
 Loyd, Richard Loyd, Leatrice Loyd, Joseph E. Loyd, Frons Loyd,  
 Frances Boyd, Allene Boyd, Nora E. Hilley, William F. Walker,  
 John Owens, William J. Adams, Cynthia Adams Hill, Irvine Hill,  
 Mark Hill, Annie Hill, Ada Hill, Robert Hill, William E.  
 Blakeley, Ada B. Blakeley, Walter R. Blakeley, Thomas I.  
 Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley,  
 Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida  
 Calame, Della Calame, Beulah Calame, Nora Calame, Nellie  
 Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge,  
 Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie  
 Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie  
 Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert  
 Jordan, Joseph E. Jordan, Effie M. Jordan, James Monroe Jordan,  
 Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine,  
 Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine,  
 Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey  
 Roland Bryant, William S. Blakeley, Marshal Blakeley, Homer  
 Blakeley, Sallie Blakeley, James F. Blakeley, Minnie Lee  
 Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph  
 Tylor, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley,  
 Albert H. Blakeley, Edgar D. Blakeley, Lucy Dean Blakeley,  
 Claud C. Blakeley, Ernest V. Blakeley, Mary H. Bird, Nellie  
 H. Bird, Gracie H. Bird, Alfred E. Bird, Carl W. Bird, Cora  
 Langston, Elmer H. Langston, Annie C. Lawhon, Marshall Young  
 Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird,  
 Roy Floyd Bird, William Ray Bird, Oscar Thomas Loyd, Lola  
 Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney  
 Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy,  
 Bebe Alice Kennedy, Mary Frances Knowles, Ludie William

Temple McAllister, --5

Knowles, Juli Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Nedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert I. Kennedy, Ada E. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Mattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Corn Overstreet, John A. Overstreet, John F. Overstreet, Myrtle Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Eben Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Adie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 23, 1903.

Hanfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are heroby advised that on the 23d day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.	M.C.R. 2857
Robert E. Lee, et al.	M.C.R. 1468
Melissa Boyd	M.C.R. 1485
Ethel Sherrer	M.C.R. 1486
Fred Lee	M.C.R. 1491
Vernile Lee	M.C.R. 1492
Jacob C. Lee, et al.	M.C.R. 1515
Hannie Wood, et al.	M.C.R. 1516
Claudia Murray, et al.	M.C.R. 1517
George W. Lee, et al.	M.C.R. 1518
Shade Gore	M.C.R. 1529
Nancy A. Williams, et al.	M.C.R. 1743
Hiram Blakeley, et al.	M.C.R. 2541
William Lee, et al.	M.C.R. 2559
Jacob H. Lee	M.C.R. 2694
Nancy A. Schmidt, et al.	M.C.R. 2695
Fred B. Lee	M.C.R. 2696
Lillian Thomas, et al.	M.C.R. 2853
Margie Adams, et al.	M.C.R. 2854
Oral Boyd, et al.	M.C.R. 2855
William D. Williamson, et al.	M.C.R. 2856
Arcada DuRose, et al.	M.C.R. 2858
Albert Edward Boyd	M.C.R. 2859

Olive Smith, et al.	M.C.R. 2888
William Cary DuBose, et al.	M.C.R. 2889
J. Dale Adams	M.C.R. 2898
William L. Blakeley	M.C.R. 2890
Sarah M. Adams, et al.	M.C.R. 2901
Merlin C. Adams, et al.	M.C.R. 2902
Thomas B. Ross, et al.	M.C.R. 2903
Arthur A. Ross, et al.	M.C.R. 2904
Mattie Forsythe, et al.	M.C.R. 2997
Maria Gipsen, et al.	M.C.R. 3139
Lawrence L. Boyd, et al.	M.C.R. 3154
Joseph K. Boyd, et al.	M.C.R. 3155
Nora B. Hilley	M.C.R. 3156
William F. Walker	M.C.R. 3157
John Owens	M.C.R. 3158
William J. Adams	M.C.R. 3854
Cynthia Adams Hill, et al.	M.C.R. 3863
William M. Blakeley, et al.	M.C.R. 4148
Ida Calame, et al.	M.C.R. 1487
Mollie Blacklidge	M.C.R. 1489
Aleck Blacklidge, et al.	M.C.R. 1490
Lula Haskins, et al.	M.C.R. 1488
John Jordan, et al.	M.C.R. 1469
Frances O. Vollentine, et al.	M.C.R. 5063
John T. Vollentine	M.C.R. 5064
Callie V. Bryant, et al.	M.C.R. 5065
William S. Blakeley, et al.	M.C.R. 5066
James E. Blakeley, et al.	M.C.R. 5067
Ralph Tyler	M.C.R. 5068
Walter S. Blakeley, et al.	M.C.R. 5069
Mary M. Bird, et al.	M.C.R. 5321
Cora Langston, et al.	M.C.R. 5322
Annie C. Lawhon, et al.	M.C.R. 5323
Laura E. Bird, et al.	M.C.R. 5324
Oscar Thomas Boyd, et al.	M.C.R. 5448
John Blakeley, et al.	M.C.R. 5873
Albany Kennedy, et al.	M.C.R. 5874
Mary Frances Knowles, et al.	M.C.R. 5875
Sarah A. Harris, et al.	M.C.R. 5876
Thomas L. Kennedy	M.C.R. 5877
Robert E. Kennedy, et al.	M.C.R. 5878
James Overstreet, et al.	M.C.R. 499
Thomas J. Overstreet, et al.	M.C.R. 500
William H. Overstreet	M.C.R. 503
Belle Rape, et al.	M.C.R. 504

Cornelius L. Overstreet	M.C.R.	505
Riley Overstreet, et al.	M.C.R.	506
Rebecca Overstreet, et al.	M.C.R.	507
John A. Overstreet, et al.	M.C.R.	508
John F. Overstreet, et al.	M.C.R.	554
Emma Simpson, et al.	M.C.R.	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Temple McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila W. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett

Ross, William Malcolm Ross, Soenie Vore Ross, Arthur A. Ross, Tormia Ross, Media Ross, Allia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest B. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Loyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claddie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet,



Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtle Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Nora Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Adie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, February 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Temple McAllister, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 23, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Temple McAllister, et al.	M.C.R. 2857
Robert E. Lee, et al.	M.C.R. 1468
Melissa Boyd.	M.C.R. 1488
Ethel Sherrer	M.C.R. 1496
Fred Lee	M.C.R. 1491
Vernile Lee	M.C.R. 1492
Jacob C. Lee, et al.	M.C.R. 1515
Nannie Wood, et al.	M.C.R. 1516
Claudia Murray, et al.	M.C.R. 1517
George V. Lee, et al.	M.C.R. 1518
Shade Gare	M.C.R. 1519
Nancy A. Williams, et al.	M.C.R. 1743
Hiram Blakeley, et al.	M.C.R. 2541
William Lee, et al.	M.C.R. 2559
Jacob E. Lee	M.C.R. 2694
Nancy A. Schmidt, et al.	M.C.R. 2695
Fred B. Lee	M.C.R. 2696
Lillian Thomas, et al.	M.C.R. 2853
Margie Adams, et al.	M.C.R. 2854
Oral Boyd, et al.	M.C.R. 2855
William B. Williamson, et al.	M.C.R. 2856

Arcada DuBose, et al.	M.C.R. 2858
Albert Edward Boyd	M.C.R. 2859
Olive Smith, et al.	M.C.R. 2888
William Gary DuBose, et al.	M.C.R. 2889
J. Dale Adams	M.C.R. 2898
William L. Blakeley	M.C.R. 2890
Sarah M. Adams, et al.	M.C.R. 2901
Merlin C. Adams, et al.	M.C.R. 2902
Thomas E. Ross, et al.	M.C.R. 2903
Arthur A. Ross, et al.	M.C.R. 2904
Mattie Forsythe, et al.	M.C.R. 2997
Maria Gipson, et al.	M.C.R. 3139
Lawrence L. Foyd, et al.	M.C.R. 3154
Joseph K. Boyd, et al.	M.C.R. 3155
Nora B. Hilley	M.C.R. 3156
William F. Walker	M.C.R. 3157
John Owens	M.C.R. 3158
William J. Adams	M.C.R. 3854
Cynthia Adams Hill, et al.	M.C.R. 3863
William M. Blakeley, et al.	M.C.R. 4148
Ida Calame, et al.	M.C.R. 1487
Mollie Blacklidge	M.C.R. 1489
Aleck Blacklidge, et al.	M.C.R. 1490
Lula Haskins, et al.	M.C.R. 1488
John Jordan, et al.	M.C.R. 1489
Frances O. Vollentine, et al.	M.C.R. 5063
John T. Vollentine	M.C.R. 5064
Callie W. Bryant, et al.	M.C.R. 5065
William S. Blakeley, et al.	M.C.R. 5066
James E. Blakeley, et al.	M.C.R. 5067
Ralph Tyler	M.C.R. 5068
Walter S. Blakeley, et al.	M.C.R. 5069
Mary M. Bird, et al.	M.C.R. 5321
Cora Langston, et al.	M.C.R. 5322
Annie C. Lawhon, et al.	M.C.R. 5323
Laura E. Bird, et al.	M.C.R. 5324
Oscar Thomas Boyd, et al.	M.C.R. 5448
John Blakeley, et al.	M.C.R. 5873
Albany Kennedy, et al.	M.C.R. 5874
Mary Frances Knowles, et al.	M.C.R. 5875
Sarah A. Harris, et al.	M.C.R. 5876

Hon. Sec.,--3

Thomas L. Kennedy	M.C.R. 5877
Robert E. Kennedy, et al.	M.C.R. 5878
James Overstreet, et al.	M.C.R. 499
Thomas J. Overstreet, et al.	M.C.R. 500
William H. Overstreet	M.C.R. 503
Belle Rape, et al.	M.C.R. 504
Cornelius L. Overstreet	M.C.R. 505
Riley Overstreet, et al.	M.C.R. 506
Rebecca Overstreet, et al.	M.C.R. 507
John A. Overstreet, et al.	M.C.R. 508
John F. Overstreet, et al.	M.C.R. 554
Emma Simpson, et al.	M.C.R. 674

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record, and that attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Tame Dixby.*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 2857

( C O P Y )

Land.  
22,659-1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,  
Washington, May 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

On the 8th instant the Department addressed a letter to this office returning the record in the matter of the application for identification as Mississippi Choctaws of Temple McAllister, et al., for further report.

The Department says it seems the applicants trace their descent from Elizabeth Blakeley nee Smith who was a Choctaw woman and the wife of John Blakeley, and that this office reported in the matter that neither Elizabeth Blakeley, her father John Smith nor any of her children complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

The Department further says by reference to page 597 of the decision of the Commission to the Five Civilized Tribes, it is found that the name of John Smith appears on page 142, volume 1 of claimant's proof and evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12,742 in "a List of Choctaw heads of families claiming lands under the 14th article of the treaty of Dancing Rabbit".

A report is requested from the office as to whether it appears from the records of the government in its possession or any information at its command that this claim rests upon any substantial basis.

The name of John Smith does appear, as is stated by the commission, in a list of Choctaw citizens claiming benefits under the 14th article of the treaty, but many of the persons who originally gave notice of their desire to take lands under the 14th article never followed up their original applications, but doubtless becoming discouraged by the years of delay that followed the making of the treaty and before any steps were taken for carrying out its provisions, abandoned all effort to secure the benefits to which they were entitled. John Smith appears to have been among this latter class because he did not prosecute his claim to a consummation and did not receive either land or scrip under the 14th article of the Choctaw treaty. Whether he died or removed or what was the cause of his failure to prosecute his claim to a finality, this office has no information, and it would be of very little assistance to have it since the law as it exists at present limits the identification of Mississippi Choctaws to full bloods and those who can prove that their ancestors actually received benefits under the 14th article.

Attention is also called to a letter dated October 4, 1902, written by this office and found on page 517 of the record in this case showing sales of certain tracts of land to John

Blakeley, Sr., John Blakeley, Jr., and John Blakeley; that one of these sales was for the southwest quarter of the southwest quarter of section 24, township 6 north, range 12 east, containing 35.76 acres, which was sold to John Blakeley, Sr., and paid for with Choctaw scrip No. 534 "C"; that there was another tract of land sold to John Blakeley and paid for with Choctaw scrip No. 221 "C" and that there was a third sale to John

Blakeley, Sr., which was also paid for with Choctaw scrip No. 534 "C"; that said letter further shows that Choctaw scrip No. 534 was issued in behalf of Charles, son of Ok-cha-tubbee and that Choctaw scrip No. 221 C was issued in behalf of Imah-pisah-tunah, f., Un-ta-ho-te-mah, f., deceased, and Te-sho-as-ho-mah, f., children of Kon-e-moon-tah ( or Kow-e-moon-tah).

The Department says it is considered possible that the persons named therein were related to Elizabeth Blakeley who as the wife of John Blakeley was the Choctaw head of a family in 1830, and that the pieces of scrip which he surrendered in payment of lands taken by him in Newton County, Mississippi, were received by him by reason of his relation to her or to her children. With this end in view the office is requested to furnish the Department with the material part of the evidence now in the possession of the office, as heretofore directed, relative to the people named in said letter of October 4, 1902, whether the persons named therein are Choctaws, or otherwise, and that the case is returned that information may be furnished together



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with the opinion of this office thereon.

There was very little of the scrip issued to the Choctaw Indians under the 14th article of the treaty ever actually used by any Indian for taking land, it going almost immediately after delivery into the hands of white men either through purchase or through the fact that the Indians were swindled out of the scrip on one pretext or another. As a matter of fact the agents of the government who were appointed to distribute scrip in Mississippi and Alabama to the Indians participated in the swindling operations and <sup>has</sup> as been said there were very few pieces of scrip that were actually used by Indians in taking land. Therefore in the judgment of this office the fact that John Blakeley, Sr., John Blakeley, Jr., or John Blakeley, took lands with scrip issued in behalf of these Choctaw children in no way raises a presumption that John Blakeley or any member of his family was in any way related to the Indian children in behalf of whom the scrip was issued.

In this connection as throwing some light on the question propounded by the Department, permit me to say that the books of the land office show that other parts of Choctaw scrip No. 221, 221 "B" and 221 "C" were surrendered for lands in Mississippi by various parties, all white men.

The evidence with reference to the families of Ok-cha-tubbee and Kon-e-noon-tah, is appended hereto.

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It is therefore the judgment of this office that the decision of the commission rejecting these parties was properly based, and I renew my recommendation that the applicants be rejected.

Very respectfully,

A. G. Tenner,

Acting Commissioner.

(E.H.H.)

P.

C O P Y

Land  
10222-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, March 4, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized tribes in the Matter of the application for identification as Mississippi Choctaw of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on January 23, 1903.

Tempie McAllister, for herself and her two minor children, Bernice and Bruce McAllister; Robert E. Lee, for himself and his five minor children, Remah, Ruth, Robert, Bessie and Stella Lee; Melissa Boyd; Ethel Sherrer; Fred Lee; Vernile Lee; Jacob C. Lee, for himself and his five minor children, William, Ray, Jessie D., Jacob W. and Clairbel Lee; Nannie Wood, for herself and her two minor children, Sybil and Lula M. Wood; Claudia Murray, for herself and her minor child, Emmet Murray; George W. Lee, for himself and his seven minor children, Mary A., Laura M., Jacob W., George E., William S., Benjamin and Winnie Lee; Shade Gore; Nancy A. Williams for herself and her three minor children, George Washington, Rhoda and Elisha A. Williams; Hiram Blakeley, for himself and his three minor children, Ella, Annie and Johnnie Blakeley; William Lee for himself and his five minor children, Robert E., William W.,

Zorah E., Dora A. and Granville H. Lee; Jacob H. Lee; Nancy A. Schmidt, for herself and her minor child, Johnnie H. Schmidt; Fred B. Lee; Lillian Thomas for herself and her seven minor children, Josie, Charles Porter, William Vernon, Robert Oral, Anna, Thomas Ira and Nettie Thomas; Margie Adams, for herself and her eight minor children, Lelia H., Willie H., Robert, Lizzie, John David, Jeff, Jennie and Sallie Lou Adams; Oral Boyd, for himself and his three minor children, Amanda May, Lillie Gertrude and William Curtis

Boyd; William D. Williamson, for himself and his seven minor children, Edgar, Joseph D., Fannie, Annie, Jewel, Susie and William Cary Williamson; Arcada DuBose for herself and her three minor brothers, Hiram H. Walker, Henry Walker and Jim Walker; Albert Edward Boyd; Olive Smith, for herself and her minor child, Carlisle Smith; Thomas J. DuBose, for his four minor children, William Cary Hattie V., Robert Chester and C. B. DuBose; J. Dale Adams; William L. Blakeley; M. Adams

, for herself and her minor child, W. Lynn Adams; Marlin C. Adams for himself and his minor child Wallace Adams; Thomas B. Ross, for himself and his five minor children Lilly May, Vonnice Bysmark, David Harnett, William Malcolm and Scenie Vore Ross; Arthur A. Ross, for himself and his four minor children, Tommie Media, Mallie and Ollie Mildred Ross; Mattie Forsythe for herself and her two minor children, Freddy and Burtty Forsythe; Maria Gipson, for herself and her five minor children, James Owens, Eugene Owens, Florence Owens, Conrad Gipson and Dalton Gipson; Lawrence L. Boyd, for himself and his four minor children, Henry, Gussie, Richard and Beatrice Boyd; Joseph K. Boyd, for himself and his three minor children, Frank, Emma and William Boyd.

William F. Walker; John Owens; William J. Adams; Cynthia Adams Hill, for herself and her five minor children, Ermine, Mark, Annie, Ada and Robert Hill; William H. Blakeley, for himself and his nine minor children, Ada R., Walter R., Thomas I., Francis J., Della, Ida M., Hiram, Ira J. and Edgar Blakeley; Ida Calame, for herself and her three minor children, Della, Bessie and Nora Calame; Mollie Blacklidge; Aleck Blacklidge for himself and his three minor children, Ellen, Lee and Leonard Blacklidge; Lula Haskins, for herself and her six minor children, Rebecca, Minniw, Thomas, Lee, Vivian and Nellie Haskins; John Jordan, for himself and his six minor children, Elmer, Austin, Robert, Joseph B., Effie M. and James Monroe Jordan; Frances O. Vollentine, for herself and her four minor children, Alice A., Edgar O., Mattie L. and Ernest E. Vollentine; John T. Vollentine; Callie V. Bryant, for herself and her three minor children, Bertha L., Mamie A. and Harvey Leland Bryant; William S. Blakeley, for himself and his three minor children, Marshal, Homer and Sallie Blakeley; James E. Blakeley, for himself and his three minor children, Minnie Lee, William Edward and Jesse Ray Blakeley; Ralph Tyler; Lela B. Heffington for her eight minor children, Walter S., Ida L., Robert L. Albert H., Edgar D., Lucy Emma, Claud C. and Ernest V. Blakeley; Mary M. Bird, for herself and her four minor children, Mollie H., Gracie H., Alfred M. and Carl W. Bird; Cora Langston for herself and her minor child, Elmer H. Lanston; Annie C. Lawhon for herself and her two minor children, Ferrel Young and Frank George Lawhon; Laura M. Bird, for herself and her three minor children, Cleary C., Roy Floyd and William Ray Bird; Oscar Thomas Boyd, for himself and

his two minor children, Lola Thelma and Albert Pickens Boyd; John Blakeley, for himself and his three minor children, Sidney, Lizzie and Flora Blakeley; Albany Kennedy for herself and her minor child, Phoebe Alice Kennedy; Mary Frances Knowles for herself and her three minor children, Ludie William, Julia Albany and Claudie Martin Knowles; Sarah A. Harris for herself and her four minor children, William Harrison, Robert R., Wedona and Julia Ann Harris; Thomas L. Kennedy; Robert E. Kennedy for himself and his minor child, Ada E. Kennedy; James Overstreet for himself and his four minor children, Ellen Nora, Etta May, Viola and Birdie Lillie Overstreet; Thomas J. Overstreet for himself and his six minor children, Minnie, Clare, Mattie, Hattie, Wilmoth and Coleman Overstreet; William H. Overstreet for himself; Belle Rape, for herself and her two minor children, Jaunita and Leslie Irving Rape; Cornelius L. Overstreet; Riley Overstreet; Rebecca Overstreet for herself and her two minor children, Olivia Estella and James Ernest Overstreet, and for her minor step-child, Cora Overstreet; John A. Overstreet; John F. Overstreet for himself and his five minor children, Myrtie, Mary C., Emma May, John W. and Julius Overstreet; Emma Simpson for herself and her three minor children, Roy F., Okla and Homa Simpson; James Overstreet, for the identification of his wife, Martha Jane Overstreet; Thomas J. Overstreet for the identification of his wife, Penlope R. Overstreet; Belle Rape for the identification of her husband, William J. Rape; Riley Overstreet for the identification of his wife, Ida Nora Overstreet; Rebecca Overstreet; John A. Overstreet, for the identification of his wife, Nora Overstreet; John F. Overstreet, for the identification of his

wife, Addie Overstreet, as intermarried Mississippi Choctaws.

The testimony in this case shows that the applicants base their claims to identification on their descent from Elizabeth Blakeley, daughter of John Smith, through her children who were Nancy Lee, wife of Jacob Lee, Elizabeth, otherwise known as Betsy Williamson, wife of David Williamson, Mary Williamson, wife of Joseph J. Williamson, Tempie Tyler, wife of Thomas Tyler, Fannie Overstreet, Sarah Ann Simms, John Blakeley, Russell Blakeley, James Blakeley and William Blakeley; the husband of Elizabeth Blakeley was John Blakeley. The parties claiming to descend from Elizabeth Blakeley through the wife of Jacob Lee give the name of their female ancestor variously as Annie, Lucy Anna, and Nancy, but the name of Jacob Lee is sufficient to identify her as being the daughter of Elizabeth Blakeley through whom they claim.

The decision of the Commission is based on the ground that its records fail to show that John Smith, and also Lucy Annie (or Annie, or Lucy Anna) Lee, Nea Bunn, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and the applications of all these parties are rejected.

An examination of the records of this office has been made as to the names of Elizabeth Blakeley, John Smith, Nancy Lee, Jacob Lee, Elizabeth of Betsy Williamson, David Williamson, Mary Williamson, Joseph J. Williamson, Tempie Tyler, Thomas Tyler, Fannie

Og



-6-

Overstreet, Sarah Ann Simms, John Blakeley, Russell Blakeley, James Blakeley and William Blakeley, and Lucy Annie (or Annie, or Lucy Anna) Lee, nee Bum, and none of them are found in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

( C O P Y )

Kon-e-moon-tah, dead. by his widow

In la to nah

Case No. 196.

Lah bah tubbe, a witness produced on the part of the claimant in the above case being duly sworn and examined testifies as follows , that he is about 33 years old, knows the claimant whose name is Kon-e-moon-tah, dead., and is not related to him. At the date of the treaty he knew the claimant and his family well and lived about four miles from him. He was a Choctaw and the head of a Choctaw family then, consisting of a wife and four children, and one was born very soon after coming from the place where the treaty was held.

The wife's name is In-la-to-nah and the children, E-loffe-tubbe then over ten years old, absent, I-ah-ha-cubbe, then over ten, dead. Im-ah-pis-ah-timah, then under ten, present, Un-ta-ho-te-mah, then under ten dead, and the one born shortly after the treaty, To-she-ah-ho-nah, absent. They were all unmarried and living with the claimant at that time. He then had a house and field on Tallehatchee creek, Leflores district, now Newton Co., and Me-ah-shan-tah was the nearest neighbor. The land was good. He nor either of his children ever went west, but always remained in the ceded country. (Location of residence: 11-8--13 E., Newton Co., Miss.)

(copy)

Ok-cha-tub-bee

Case No. 757.

Ponah ak ohi ah, a witness produced on the part of claimant in the above case being duly sworn and examined testifies that he is about sixty years old and not related to claimant. The treaty of Dancing Rabbit Creek was made about fourteen years ago when he was well acquainted with him and his family. He was then a Choctaw head of a family and had living with him a wife, E-yah-le-ho-nah, and one unmarried child, to wit: Charles, then under ten years of age, since dead -- died about three years ago, leaving no issue. Claimant then had a house and field on Oka ta ti ah Creek, near E-she-ho-ka, Nit-tuk-ka-ohus District now Newton County, where he resided upwards of five years from the ratification of said treaty, when as he understood, on account of statements made by white men that the land about there had been sold and the Indians must leave it, he moved to Tallahala creek, where he has resided ever since. The land was good. Claimant never moved west or out of the ceded country.

(Location of residence, 13-5-10 E., Newton Co.

Miss.)

M C R 2857

Muskegee, Indian Territory, March 11, 1903.

H. Blakely,  
Wortham, Texas.

Dear Sir:

Your letter of February 17th addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein if the names of John Smith and Elizabeth Hamner, your great-grandfather and great-grandmother, appear on record as having complied with the fourteenth article of the treaty of 1830.

In reply to your letter you are advised that it does not appear from the records of the government in the possession of the Commission that John Smith or Elizabeth Hamner complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or were subsequently adjudicated beneficiaries thereunder by the Commissions of March 3, 1837 and August 23, 1842, authorized for this purpose.

Respectfully,

Chairman.

(COPY)

D.C. 15256

I.T.D. 2602-1903,  
4204-"

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

J.W.H.

FHE

L.R.S.

May 20, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 9, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Temple McAllister (M C R 2857), Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmet Murray, George W. Lee, Mary A. Lee, L. Laura M. Lee, Jacob W. Lee, George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee, (2) Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna, Ira Thomas, Nettie Thomas, Margie Adams, Lelia N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou Adams, Oral

Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd,  
 William D. Williamson, Edgar Williamson, Joseph D. Williamson,  
 Fannie Williamson, Annie Williamson, Jewel Williamson, Susie William-  
 son William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry  
 walker, Jim Walker, Albert Edward Boyd, Olive Smith, Garlie Smith,  
 William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B.  
 DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W.  
 Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly  
 May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm  
 Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Media Ross, Mallie  
 Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty  
 Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens,  
 Conrad Gipson, Balton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie  
 Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd,  
 Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker,  
 John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill,  
 Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley,  
 Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J.  
 Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley, (2) Ira J.  
 Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame,  
 Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge,  
 Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins,  
 Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie  
 Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan,  
 Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O.  
 Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L.

Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V.  
Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant,  
William S. Blakeley, Marshal Blakeley, Homer Blakeley, Hallie  
Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward  
Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley,  
Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D.  
Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley,  
Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird,  
Mary M. Bird, Cora Langston, Elmer E. Langston, Annie C. Lawhon,  
Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C.  
Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola  
Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley,  
Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice  
Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany  
Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison  
Harris, Robert E. Harris, Wedona Harris, Julia Ann Harris, Thomas  
L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet,  
Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie  
Lillie Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara  
Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet,  
Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita  
Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet,  
Rebecca Overstreet, Olivia Estelle Overstreet, James Ernest Over-  
street, Sora Overstreet, John A. Overstreet, John F. Overstreet,  
~~John F. Overstreet~~, Myrtie Overstreet, Mary C. Overstreet, Emma May  
Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson,



Roy F. Simpson, Okla Simpson, Homa Simpson, Martha Jane Overstreet, Penlope B. Overstreet, William J. Rape, Ida Nora Overstreet, Rebecca Overstreet, Nora A. Overstreet, and Addie Overstreet, including your decision of January 23, 1903, refusing to identify them as such.

These applicants claim identification as Mississippi Choctaws by reason of the fact that they are the descendants, or that they are married to descendants of John Smith and his daughter Elizabeth Blakeley. The record contains but little information relative to John Smith. It shows, however, that he was at one time a resident of Wayne County, Mississippi, and probably removed from there to Newton County, Mississippi. If living in 1830 he was probably a very old man.

From your decision it appears that there was a John Smith who signified his intention to Col. Wm. Ward, Choctaw Agent, to remain in Mississippi and become a citizen of that state, but that he did not remain upon the land claimed by him for a sufficient length of time to secure a Patent thereto. There is nothing in the record which serves to show that the persons above named were one and the same.

It further appears that the daughter of John Smith, viz: Elizabeth, was an one-half blood Choctaw; that she married a white man by the name of John Blakeley; that they lived in Wayne and Clark counties, Mississippi, and removed in 1829 to Newton County in that state, and that some of their children were living at the date of the treaty. Descent is traced from John and Elizabeth Blakeley through certain of their children, whose names appear as follows: Mary ( or Polly Williamson, Nancy Lee, Russell ~~Williamson~~

Blakeley, Albany Barrett, Elizabeth Williamson, James Blakeley, Temple L. Blakeley, Mathers Blakeley, John Blakeley Jr., and Fanny Overstreet.

It further appears that those applicants whose claims are embraced in cases M.C.R. 1468, 1485, 1486, 1491, 1492, 1515, 1516, 1517, 1518, 1519, 1743 and 2559, claim their Choctaw blood from Jacob Lee, also, he was a Quarter blood Choctaw, and son of Anna Lee, who was an one-half blood Choctaw.

From the testimony of John Lewis, Robert Laird, and Elizabeth Williamson (see pages 519, 532 and 524, respectively), the facts heretofore stated appear, and in connection with them it also appears that Elizabeth Blakeley was supposed to have attempted to register, in accordance with the provisions of article 14 of the treaty of September 27, 1830. In the same connection, it also appears that it was generally understood in the community where John and Elizabeth Blakeley lived, and that it was so stated by him, that he obtained the lands upon which they lived, near Hickory Station, Newton County, through scrip, which he obtained by reason of his wife's Choctaw citizenship.

It seems that the records of the land office at Jackson, Mississippi, show that John Blakeley Sr., and John Blakeley, purchased certain lands near Hickory Station, Newton County, Mississippi and paid for the same by surrendering Choctaw scrip 221 C and 534 C.

From the records of the general land office it appears that Choctaw scrip 221 C was issued in behalf of Im-ah-pis-ah-timah, Unta-ho-te-mah, and To-sho-ah-ho-nah, who were the children of Kon-e-moon-tah (or Kow-e-moon-tah).

The latter was at the date of the treaty of Dancing Rabbit Creek, a Choctaw and the Choctaw head of a family, his wife's name being In-la-to-nah. Said records also show that Choctaw scrip 534 C was issued in behalf of Charles, son of Ok-cha-tub-bee. The latter was also the Choctaw head of a family in 1830, and had a wife named E-yah-le-ho-nah. It also appears from said records that the scrip referred to above was surrendered by John Blakeley Sr. and John Blakeley, as assignees. There is nothing in the testimony from which it can be ascertained that the Blakeleys were identical with or in any way related to the Choctaws named above, nor does the testimony show how said scrip was acquired by the Blakeleys. On the contrary, the facts recited above seem, in fact, to indicate that Kon-e-moon-tah, Ok-cha-tub-bee, and Elizabeth Blakeley were all heads of separate Choctaw families at the date of the treaty.

Reporting in the matter March 4 and May 1, 1903, the Acting Commissioner of Indian Affairs recommends that your action be approved.

The Department considers that the evidence now before it is not sufficient to show that these applicants have established their claims under article 14 of the treaty of September 27, 1830. Your decision is therefore affirmed.

Copies of the Acting Commissioner's letters of March 4 and May 1, 1903, are inclosed.  
2 inclosures.

Respectfully,

Thos. Ryan.  
Acting Secretary.

M.O.R. 2357

COPY.

Muskogee, Indian Territory, July 13, 1903.

Temple McAllister,  
915 Baylor Street,  
Waco, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 2857

COPY.

Muskogee, Indian Territory, July 13, 1903.

Chester Howe,  
Attorney-at-Law,  
625 F. Street, N. W.  
Washington, D. C.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles,*  
Commissioner in Charge.

M.C.R. 2357.

COPY.

Muskogee, Indian Territory, July 13, 1903.

M. M. Lindly,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 2357.

COPY.

Muskegee, Indian Territory, July 13, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by mail on the 23rd day of January, 1903.

Respectfully,

SIGNED)

*T. B. Needles.*  
Commissioner in Charge.



M.C.R. 2857.

COPY.

Muskogee, Indian Territory, July 13, 1903.

J. H. Chambers,  
Attorney-at-Law,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Muskogee, Indian Territory, July 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Tempie McAllister, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was, on February 9, 1903, transmitted to the Department.

On May 20, 1903, the Department approved the decision of the Commission in this case, and on July 13, 1903, the several applicants were duly notified of such departmental action.

On July 23, 1903, the Commission received the petition of Kirez Blaksley, one of the applicants in said consolidated case, praying for a re-hearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., in order that additional evidence might be introduced in support thereof. Said petition is herewith transmitted.

Respectfully,

Commissioner in Charge.

McM 20  
Through the Commissioner  
of Indian Affairs.

(COPY)

D.C. 23184

DEPARTMENT OF THE INTERIOR.

W.C.F.

ITD.6146-1903.

BAF.

WASHINGTON:

August 18, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

On July 28, 1903, you transmitted a petition for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al., signed by H. Blakeley.

Your decision rejecting the applicants was approved by the Department on May 30, 1903.

The petitioner states that he has discovered new evidence; that he expects to prove by Jack Amis, a full blood Choctaw Indian about 90 years of age, that John Blakeley and his wife, Elizabeth Blakeley, the ancestors from the applicants trace descent, attempted on several occasions to enroll at Yazoo, Mississippi, under the provisions of the Choctaw treaty, but were frightened away by the drunkenness and disorder among the Indians there assembled; that said ancestors did avail themselves of the benefits of said treaty by settling upon certain lands set apart for the Indians who should accept its provisions. The petitioner further states that he expects to prove by W. J. Jones that said Jones was acquainted with John Blakeley and Elizabeth Blakeley, and that they claimed and occupied certain lands in Newton County, Mississippi, about one mile north of Hickory, Miss.; that he has heard said John and Elizabeth Blakeley say that they obtained said lands by virtue of the

of the Choctaw treaty of 1830.

Reporting in the matter August 8, 1903, the Acting Commissioner of Indian Affairs states that in view of the condition of the records of the Indian Office, it is his opinion that no good purpose would be served by a reopening of the case to hear such evidence as is tendered by Mr. Blakeley, since John Blakeley does not appear as having complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

In departmental letter approving your decision rejecting the applicants, it is stated:

"It seems that the records of the land office at Jackson, Mississippi, show that John Blakeley Sr., and John Blakeley, purchased certain lands near Hickory Station, Newton County, Mississippi, and paid for the same by surrendering Choctaw scrip 221 C and 534 C. From the records of the general land office it appears that Choctaw scrip 221 C was issued in behalf of Im-ah-pis-ah-timah, Un-ta-ho-te-mah, and To-sho-ah-he-nah, who were the children of Kon-e-moon-tah (or Kow-e-moon-tah). The latter was at the date of the treaty of Dancing Rabbit Creek, a Choctaw and the Choctaw head of a family, his wife's name being In-la-to-nah. Said records also show that Choctaw scrip 534 C was issued in behalf of Charles, son of Ok-cha-tub-bee. The latter was also the Choctaw head of a family in 1830, and had a wife named E-yah-le-he-nah. It also appears from said records that the scrip referred to above was surrendered by John Blakeley Sr. and John Blakeley, as assignees. There is nothing in the testimony from which it can be ascertained that the Blakeleys were identical with or in any way related to the Choctaws named above, nor does the testimony show how said scrip was acquired by the Blakeleys. On the contrary, the facts recited above seem, in fact, to indicate that Kon-e-moon-tah, Ok-cha-tub-bee, and Elizabeth Blakeley were all heads of separate Choctaw families at the date of the treaty."

It appears, therefore, that your decision rejecting the applicants was approved by the Department for the reason that the testimony failed to show how said scrip was acquired by the Blakeleys or that the Blakeleys who received same were identical with the

ancestor through whom the applicants claim.

As there is nothing in the petition to show that the newly discovered testimony would supply these deficiencies in the record evidence, the Department fails to see wherein the applicants would be benefited by a rehearing.

The petition is therefore refused.

You are directed to inform the applicants as to the requirements necessary to secure a rehearing in Mississippi Choctaw cases, as same are set forth in department letter of July 29, 1903, relative to the Mississippi Choctaw case of Triona Barshears, et al.

Respectfully,

(Signed) M. W. Miller,  
Acting Secretary.

M C R 2857

Muskegee, Indian Territory, September 2, 1903.

Hiram Blakeley,  
Wortham, Texas.

Dear Sir:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of August 18, 1903, wherein he states that your petition which was forwarded the Department on July 28, 1903, praying for a rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., of which your application is a part, is not sufficient within itself to justify the reopening of the case.

The Commission is directed to advise you that motions for rehearing are granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must be shown, and the conversation or circumstances relating to it.

H B 2

In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicant can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony.

Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

A copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw cases is herewith enclosed, and by reference thereto you will note that under rule 12 and 13 proof of service



H B 3

upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory, of a copy of the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copy thereof to the United States Marshal at South McAlester, Indian Territory, with instructions to make service of the copy upon said attorneys, returning the original with proof of service to this Commission.

You are further advised that you will be allowed thirty days from this date within which to submit depositions of witnesses in support of a motion for a rehearing in the consolidated Mississippi Choctaw case of ~~James H. Allister~~, et al.

Respectfully,

Chairman.

R & R Dep

Muskogee, Indian Territory, November 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In departmental letter of August 18, 1903, the Commission was informed that the petition of Hiram Blakeley, of Wortham, Texas, one of the applicants in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., praying for a re-hearing in said consolidated case, and which petition was forwarded the Department on July 28, 1903, was not sufficient within itself to justify the reopening of the case. The Commission was also directed to advise Hiram Blakeley of the procedure necessary in presenting a petition for re-hearing.

In accordance with such instructions, Mr. Blakeley was advised, on September 2, 1903, as to what he would be required to set forth in his petition, and that he would be allowed thirty days within which to submit depositions of witnesses in support of his motion for a re-hearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

On October 12, 1903, there was received at this office the interrogatories and cross-interrogatories to be propounded to W. J. Jones, the same to be read in evidence in the matter of the peti-

-2-

tion of Hiram Blakeley, but accompanying the same is a sworn statement by W. J. Jones that his mind is impaired on account of old age, and he refused to answer said interrogatories. These papers, together with the deposition of Jack Amis, in support of the petition, received November 2, 1903, are herewith transmitted for the consideration of the Department.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

McM 43

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 17, 1903.

Land.  
72024-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is submitted herewith for your consideration letter of the Commission to the Five Civilized Tribes, of the 3rd instant, acknowledging receipt of Departmental letter of August 18, 1903, wherein the Commission was informed that the petition of Hiram Blakeley, of Wortham, Texas, one of the applicants in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., praying for a rehearing in that case, and which petition was forwarded to the Department on July 28, 1903, was not sufficient within itself to justify the reopening of the case. The Commission was also directed to advise Hiram Blakeley of the procedure necessary in presenting a petition for rehearing.

In accordance with such instructions Mr. Blakeley was advised on September 2, 1903, as to what he would be required to set forth in his petition, and that he would be allowed thirty days in which to submit deposi-

tions of witnesses in support of his motion for rehearing of the consolidated Mississippi Choctaw case of Temple McAlister, et al.

On October 12, 1903, there was received at the office of the Commission the interrogatories and cross-interrogatories to be propounded to W. J. Jones, the same to be in evidence in the matter of the petition of Hiram Blakeley, but accompanying the same is a written statement by W. J. Jones that his mind is impaired on account of old age and he refuses to answer the interrogatories.

These papers, together with the deposition of Jack Amis in support of the petition received November 2, 1903, are transmitted for the consideration of the Department.

As will be seen from the deposition of Jack Amis, he gives no information with reference to the compliance on the part of the ancestor of these applicants with the provisions of the fourteenth Article of the Choctaw Treaty of 1830. Such information as he does furnish may have been historical value for the family, but it does not tend to in any way strengthen their claim for identification as Mississippi Choctaws.

The papers are enclosed.

Very respectfully,

W. A. Jones,  
Commissioner.

E.B.H.-L.C.

Muskogee, Indian Territory, November 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On November 3, 1903, there were forwarded the Department from this office the deposition of Jack Amis and unanswered interrogatories to be propounded to W. J. Jones, and a sworn statement of W. J. Jones that his mind was impaired on account of old age and for this reason refused to answer said interrogatories; said papers being offered in support of a petition of Hiram Blakeley for a rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

On November 11, 1903, there were received at this office the affidavits of Jno. Blakeley and Billy John, offered in support of said petition, and the same are herewith transmitted for the consideration of the Department.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

McM 41

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP.  
FHE.

I.T.D. 23146-1906.

November 24, 1906.

LRS.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir :--

July 10, 1906, you submitted a petition by William L3 Lee, for himself and others, in the form of an affidavit requesting that a rehearing be granted in the matter of their application for identification as Mississippi Choctaws, which was not filed in your office until June 26, 1906.

Several motions to reopen this case, in which the Department on May 20, 1903, affirmed the decision of the Commissioner to the Five Civilized Tribes adverse to the applicants, have been refused. Waiving any question whether the motion was filed within the time required by law, the Department has examined it and finds that it is insufficient to warrant favorable consideration. While newly discovered evidence is alleged, and though it is stated that two persons mentioned will testify, if a rehearing is granted, that the ancestor through whom the applicants claim attempted to comply with the treaty of 1830, the affidavits of these persons are not furnished and it is not set out under what circumstances the proposed witnesses became acquainted with the alleged facts. The motion is denied.



(2)

A copy of Indian Office letter of November 17, 1906,  
(Land 59948), submitting your report and the papers in the case,  
is inclosed. The papers have been returned to the Indian Office  
for its files.

Respectfully,

(Signed) Thos. Ryan,

Through the Commissioner  
of Indian Affairs.

First Assistant Secretary.

1 inc. and 3 to Ind. Of.

--Copy--

DEPARTMENT OF THE INTERIOR,

LAND:  
32001-1903.  
59948-1906.

OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

November 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir :--

Referring to Departmental letter of May 20, 1903, (I.T.D. 2602, 4204-1903), affirming the decision of the Commission to the Five Civilized Tribes, adverse to Temple McAllester, et al., applicants for identification as Mississippi Choctaws, I now have the honor to transmit herewith petition for a reopening and rehearing before the Commissioner for the purpose of introducing additional testimony that they consider necessary. This motion was filed in the office of the Commissioner on June 26, 1906, by T. D. Taylor of South McAlester, I. T., on behalf of William Lee, one of the party applicants in the consolidated case above mentioned.

The original record is enclosed herewith.

Very respectfully,

Acting Commissioner.

KVE-KH

(COPY).

W.C.F.  
C.M.R.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, December 1, 1903.

D.C. 33631.  
I.T.D. 6146, 8238-1903.  
L.R.S.

The Commission

To the Five Civilized Tribes.

Gentlemen:-

November 3, 1903, you forwarded to the Department deposition of Mack Amis in support of the petition to reopen the Mississippi Choctaw case of Tempie McAllister et al., You also forwarded the interrogatories and cross-interrogatories to be propounded to W. J. Jones in the matter of the petition of Hiram Blakeley. Accompanying the same is a written statement of W. J. Jones that his mind is impaired on account of old age, and he refuses to answer the interrogatories.

Your decision rejecting the applicants in said case was approved by the Department on May 30, 1903. In departmental letter approving the same it is stated:

"It seems that the records of the land office at Jackson, Mississippi, show that John Blakeley Sr., and John Blakeley, purchased certain lands near Hickory Station, Newton County, Mississippi, and paid for the same by surrendering Choctaw scrip 221 C

-----

and 534 C. From the records of the general land office it appears that Choctaw scrip 221 C was issued in behalf of In-ah-pis-ah-timah, Un-ta-ho-te-mah, and To-sho-ah-ho-he-nah, who were the children of Kon-e-moon-tah( or Kow-e-moon-tah). The latter was at the date of the treaty of Dancing Rabbit Creek, a Choctaw and the Choctaw head of a family, his wife's name being In-la-to-nah. Said records also show that Choctaw scrip 534 C was issued in behalf of Charles, son of Ok-cha-tub-bee. The latter was also the Choctaw head of a family in 1830, and had a wife named E-yah-le-ho-nah. It also appears from said records that the scrip referred to above was surrendered by John Blakeley Sr. and John Blakeley, as assignees. There is nothing in the testimony from which it can be ascertained that the Blakeleys were identical with or in any way related to the Choctaws named above, nor does the testimony show how said scrip was acquired by the Blakeleys. On the contrary the facts recited above seem, in fact, to indicate that Kon-e-moon-tah, Ok-cha-tub-bee, and Elizabeth Blakeley were all heads of separate Choctaw families at the date of the treaty."

It therefore appears that your decision was approved by the Department for the reason that the testimony failed to show how said scrip was acquired by the Blakeleys, or that the Blakeleys who received same were identical with the ancestor through whom the applicants claim.

On July 28, 1903, you transmitted a petition for a rehearing in said case of H. Blakeley, and on August 18, 1903, the Department refused said petition for the reason that it failed to show that the alleged newly discovered testimony would supply the deficiencies in the record evidence, and you were directed to inform the applicants as to the requirements necessary to secure rehearings in Mississippi Choctaw cases.

The deposition of Jack Amis furnishes no further information with reference to the compliance on the part of the ancestors of the applicants with the provisions of the fourteenth article of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The Department, therefore,

finds no reason why said case should be reopened.

A copy of the report of the Commissioner of Indian Affairs in the matter, dated November 17, 1903, is transmitted herewith.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 17, 1903.

Land.  
72024-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is submitted herewith for your consideration letter of the Commission to the Five Civilized Tribes, of the 3rd instant, acknowledging receipt of Departmental letter of August 18, 1903, wherein the Commission was informed that the petition of Hiram Blakeley, of Wortham, Texas, one of the applicants in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., praying for a rehearing in that case, and which petition was forwarded to the Department on July 28, 1903, was not sufficient within itself to justify the reopening of the case. The Commission was also directed to advise Hiram Blakeley of the procedure necessary in presenting a petition for rehearing.

In accordance with such instructions Mr. Blakeley was advised on September 2, 1903, as to what he would be required to set forth in his petition, and that he would be allowed thirty days in which to submit deposi-

tions of witnesses in support of his motion for rehearing of the consolidated Mississippi Choctaw case of Temple McAlister, et al.

On October 12, 1903, there was received at the office of the Commission the interrogatories and cross-interrogatories to be propounded to W. J. Jones, the same to be in evidence in the matter of the petition of Hiram Blakeley, but accompanying the same is a written statement by W. J. Jones that his mind is impaired on account of old age and he refuses to answer the interrogatories.

These papers, together with the deposition of Jack Amis in support of the petition received November 2, 1903, are transmitted for the consideration of the Department.

As will be seen from the deposition of Jack Amis, he gives no information with reference to the compliance on the part of the ancestor of these applicants with the provisions of the fourteenth Article of the Choctaw Treaty of 1830. Such information as he does furnish may have been historical value for the family, but it does not tend to in any way strengthen their claim for identification as Mississippi Choctaws.

The papers are enclosed.

Very respectfully,

W. A. Jones,  
Commissioner.

E.B.H.-L.C.



WCF  
PHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 12, 1903.

D.C. 34472-1903.

ITD 8624-1903.

L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your communication of November 20, 1903, forwarding the affidavits of John Blakely and Billy John, in support of the petition of Hiram Blakely for a rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

On August 18, 1903, the Department refused the petition of Hiram Blakely for a rehearing in said case. On November 3, 1903, you forwarded to the Department the deposition of Jack Amis in support of said petition, and unanswered interrogatories to be propounded to W. J. Jones, also a sworn statement of W. J. Jones that his mind was impaired on account of old age and for this reason he refused to answer said interrogatories.

December 1, 1903, you were notified that the affidavit of Jack Amis disclosed no reason why the case should be reopened. The Department has examined the affidavits of John Blakely and

Billy John, and finds that they do not disclose any evidence which would justify a rehearing. You are directed to notify Hiram Blackely accordingly.

A copy of the Acting Commissioner of Indian Affairs' letter of December 7, 1903, transmitting your communication, is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land:  
76030-1903.

WASHINGTON, Dec. 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward letter of the Commission to the Five Civilized Tribes, of the 20th ultimo, inviting attention to the fact that on November 3, 1903, where were forwarded to the Department from the office of the Commission the deposition of Jack Amis and unanswered interrogatories to be propounded to W. J. Jones, said papers being offered in support of the petition of Hiram Blakely for a rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al. On November 11th there was received at the office of the Commission the affidavits of John Blakely and Billy John, offered in support of said petition. The Department rejected the applicants in this case May 20, 1903, and on the 1st instant a rehearing was denied (I.T.D. 6148, 8233-1903). The affidavits inclosed were designed to support that application for a rehearing, but do not disclose any facts which would justify a rehearing, and I recommend, therefore that the papers inclosed be returned for the files of this office.

Very respectfully,

W. A. Jones,  
Commissioner.

EBH:LKS.

Comr No. 36519

C O P Y

J. W. H.

DEPARTMENT OF THE INTERIOR,  
Washington.

LLB

I.T.D. 6571-1905.

July 25, 1905.

Y. P.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a petition dated May 13, 1905, submitted by J. and T. J. Overstreet, requesting a rehearing in the matter of their application for identification as Mississippi Choctaws. This petition is supported by affidavits and by certified copies of patents showing that John Blakeley and John Blakeler, Sr., the ancestors of the petitioners, purchased land in Newton County, Mississippi.

It seems that a decision was rendered by the Department on May 20, 1903, affirming your action refusing to identify all of the applicants in the Mississippi Choctaw case of Tempie McAlester et al., including the said petitioners.

It appeared from said decision that the applicants in order to show their descent from a beneficiary under article 14 of the treaty of September 27, 1830, submitted evidence showing that their ancestors, John Blakeley, Jr., and John Blakeley, Sr., purchased land in Newton County, Mississippi by surrendering Choctaw

(2)

scrip which was issued to certain Indians in lieu of patents which should have been issued by virtue of said article 14, the inference being that said ancestors acquired this Choctaw scrip in their own right as beneficiaries under the treaty. The records of the General Land Office, however, revealed that this scrip was obtained by the Blakeleys as assignees. There accordingly appeared to be no ground for their identification as original beneficiaries. It further appeared, however, from the records in said case that John Blakeley, Sr., married a Choctaw woman by whom he became the father of a number of part blood Choctaw children. The testimony was accordingly examined to determine whether these children were identical with the Choctaws above referred to who received scrip. If so, the assignment of their scrip to their father, John Blakeley, Sr., for the purpose of taking up land in their behalf would not have been inconsistent with the claims of the applicants. The Choctaw names of the children who received said scrip and the names of their parents appear in the records of the Indian Office, but said names reveal no connection whatever with the Blakeley family.

As the petition for a rehearing contains no allegation that the petitioners are able or expect to furnish evidence showing that said scrippees and ancestors were identical, their petition is hereby denied.

You are requested to advise the parties in interest in accordance herewith.

Respectfully,

THOS RYAN  
Acting Secretary.

M C R 2357

Muskogee, Indian Territory, May 15, 1906.

J. C. Lee,

Wortham, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, by reference from the Secretary of the Interior. Therein you request to be furnished with blanks for filing a motion for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllester, et al.; also blanks for taking depositions.

You are advised that this office has no blanks of the character mentioned by you in your letter.

You are further advised that motions for rehearings should be filed within sixty days from April 26, 1906, the date of the passage of the "Curtis Act."

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, July 10, 1906.

The Honorable,  
The Secretary of the Interior.  
Sir:

In the matter of the consolidated Mississippi Choctaw case of Temple McAllister, et al., the record therein, together with the adverse decision of the Commission to the Five Civilized Tribes of January 23, 1903, was, on February 9, 1903, forwarded the Department.

May 20, 1903 (I T D 2602, 4204-1903), the Department affirmed the decision of said Commission rendered January 23, 1903.

July 28, 1903, the Commission to the Five Civilized Tribes transmitted to the Department a petition of Hiram Blakeley, one of the applicants in the above consolidated case, praying for a rehearing in order that additional evidence might be offered in support of the claims of the several applicants.

August 18, 1903 (I T D 6146-1903), the Department refused the petition above referred to.

November 3, 1903, the Commission to the Five Civilized Tribes transmitted to the Department interrogatories and cross-interrogatories to be propounded to W. J. Jones, the same to be read in evidence in the matter of the petition of Hiram Blakeley.

(2)

November 20, 1903, the Commission to the Five Civilized Tribes transmitted to the Department the affidavits of Jno. Blakeley and Billy John, offered in support of the aforesaid petition of Hiram Blakeley.

December 1, 1903 (I T D 6146, 8238-1903), the Department again refused to reopen the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

December 12, 1903 (I T D 8624-1903), the Department advised the Commission to the Five Civilized Tribes that the affidavits of John Blakeley and Billy John, above mentioned, had been examined and did not disclose any evidence which would justify a rehearing.

July 25, 1905 (I T D 6571-1905), the Department denied a petition dated May 13, 1905, submitted by J. and T. J. Overstreet, applicants herein, for a rehearing of their applications.

June 26, 1906, this office received from T. D. Taylor, South McAlester, Indian Territory, a petition of William Lee, one of the applicants in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., requesting that a rehearing be granted in the matter of his application. The petition is herewith transmitted.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
MOM 10/1

Commissioner.



M C R 2357  
M C R 2559

Muskogee, Indian Territory, July 10, 1906.

T. D. Taylor,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the petition of William Lee, one of the applicants in the consolidated Mississippi Choctaw case of Tempie McAllister, et al., requesting a rehearing of his application. The petition has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

MCR 2857

Muskogee, Indian Territory, December 6, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

This case includes the following persons:

Temple McAllister  
Bruce McAllister  
Remah Lee  
Robert Lee  
Melissa Boyd  
Fred Lee  
Jacob C. Lee  
Ray Lee  
Jacob W. Lee  
Nannie Wood  
Lula H. Wood  
Emmit Murray  
Mary A. Lee  
Jacob W. Lee (2)  
William S. Lee  
Willie Lee  
Nancy A. Williams  
Rhoda Williams  
Hiram Blakeley  
Annie Blakeley  
William Lee (2)  
William H. Lee  
Dora A. Lee  
Jacob H. Lee  
Johnnie H. Schmidt

Bernice McAllister  
Robert E. Lee  
Ruth Lee  
Bessie Lee  
Ethel Sherrer  
Vernile Lee  
William Lee  
Jessie D. Lee  
Clairbel Lee  
Sybil Wood  
Claudia Murray  
George W. Lee  
Laura M. Lee  
George E. Lee  
Benjamin Lee  
Shane Gore  
George Washington Williams  
Elisha A. Williams  
Ella Blakeley  
Johnnie Blakeley  
Robert E. Lee (2)  
Zorah E. Lee  
Granville H. Lee  
Nancy A. Schmidt  
Fred B. Lee

Chickasaw Land Office, 2.

Lillian Thomas  
 Charles Porter Thomas  
 Robert Oral Thomas  
 Nettie Thomas  
 Leila M. Adams  
 Robert Adams  
 John David Adams  
 Jennie Adams  
 Oral Boyd  
 Lillie Gertrude Boyd  
 William Curtis Boyd  
 Edgar Williamson  
 Fannie Williamson  
 Jewel Williamson  
 Arcada Du Bose  
 Henry Walker  
 Albert Edward Boyd  
 Carlisle Smith  
 Hattie V. Du Bose  
 Robert Chester Du Bose  
 J. Dale Adams  
 W. Lynn Adams  
 Wallace Adams  
 Lilly May Ross  
 David Harnett Ross  
 Scenie Vore Ross  
 Tommie Ross  
 Mallie Ross  
 Hattie Forsythe  
 Burtt Forsythe  
 James Owens  
 Florence Owens  
 Dalton Gipson  
 Henry Boyd  
 Richard Boyd  
 Joseph K. Boyd  
 Frances Boyd  
 Nora B. Hilley  
 John Owens  
 Cynthia Adams Hill  
 Mark Hill  
 Ada Hill  
 William H. Blakeley  
 Walter R. Blakeley  
 Francis J. Blakeley  
 Ida M. Blakeley  
 Ira J. Blakeley  
 Ida Calame  
 Bessie Calame  
 Mollie Blacklidge  
 Ellen Blacklidge

Josie Thomas  
 William Vernon Thomas  
 Anna Thomas  
 Margie Adams  
 Willie M. Adams  
 Lissie Adams  
 Jeff Adams  
 Ballie Lou Adams  
 Amanda May Boyd  
 Susie Williamson  
 William D. Williamson  
 Joseph D. Williamson  
 Annie Williamson  
 William Cary Williamson  
 Hiram H. Walker  
 Jim Walker  
 Olive Smith  
 William Cary Du Bose  
 William L. Blakeley  
 C. B. Du Bose  
 Sarah M. Adams  
 Merlin C. Adams  
 Thomas B. Ross  
 Vonnice Bysmark Ross  
 William Malcolm Ross  
 Arthur A. Ross  
 Media Ross  
 Ollie Mildred Ross  
 Freddy Forsythe  
 Maria Gipson  
 Eugene Owens  
 Conrad Gipson  
 Lawrence L. Boyd  
 Gussie Boyd  
 Beatrice Boyd  
 Froni Boyd  
 Allene Boyd  
 William F. Walker  
 William J. Adams  
 Ermine Hill  
 Annie Hill  
 Robert Hill  
 Ada R. Blakeley  
 Thomas I. Blakeley  
 Della Blakeley  
 Hiram Blakeley (2)  
 Edgar Blakeley  
 Della Calame  
 Nora Calame  
 Aleck Blacklidge  
 Lee Blacklidge

Chickasaw Land Office, 3.

Leonard Blackledge  
 Rebecca Haskins  
 Thomas Haskins  
 Vivian Haskins  
 John Jordan  
 Austin Jordan  
 Joseph B. Jordan  
 James Monroe Jordan  
 Alice A. Vollentine  
 Mattie O. Vollentine  
 John T. Vollentine  
 Bertha Lee Bryant  
 Harvey Leland Bryant  
 Marshall Blakeley  
 Sallie Blakeley  
 Minnie Lee Blakeley  
 Jesse Ray Blakeley  
 Walter S. Blakeley  
 Robert I. Blakeley  
 Edgar D. Blakeley  
 Claud C. Blakeley  
 Mary M. Bird  
 Alfred M. Bird  
 Cora Langston  
 Annie C. Lawhon  
 Frank George Lawhon  
 Cleary C. Bird  
 William Ray Bird  
 Lola Thelma Boyd  
 John Blakeley  
 Lizzie Blakeley  
 Albany Kennedy  
 Mary Frances Knowles  
 Julia Albany Knowles  
 Sarah A. Harris  
 Robert R. Harris  
 Julia Ann Harris  
 Robert E. Kennedy  
 James Overstreet  
 Etta May Overstreet  
 Birdie Lilly Overstreet  
 Minnie Overstreet  
 Mattie Overstreet  
 Wilmoth Overstreet  
 William H. Overstreet  
 Junita Rape  
 Cornelius L. Overstreet  
 Rebecca Overstreet  
 James Ernest Overstreet  
 John A. Overstreet  
 Myrtle Overstreet  
 Emma May Overstreet

Lula Haskins  
 Minnie Haskins  
 Lee Haskins  
 Nellie Haskins  
 Elmer Jordan  
 Robert Jordan  
 Effie M. Jordan  
 Frances O. Vollentine  
 Edgar O. Vollentine  
 Ernest E. Vollentine  
 Callie V. Bryant  
 Mamie A. Bryant  
 William S. Blakeley  
 Homer Blakeley  
 James E. Blakeley  
 William Edward Blakeley  
 Ralph Tyler  
 Ida L. Blakeley  
 Albert H. Blakeley  
 Lucy Emma Blakeley  
 Ernest V. Blakeley  
 Mollie H. Bird  
 Carl W. Bird  
 Elmer N. Langston  
 Ferrel Young Lawhon  
 Laura E. Bird  
 Roy Floyce Bird  
 Oscar Thomas Boyd  
 Albert Pickens Boyd  
 Sidney Blakeley  
 Flora Blakeley  
 Phoebe Alice Kennedy  
 Ludie William Knowles  
 Claud Martin Knowles  
 William H. Harrison Harris  
 Weldon Harris  
 Thomas J. Kennedy  
 Ada M. Kennedy  
 Ellen Nora Overstreet  
 Viola Overstreet  
 Thomas J. Overstreet  
 Clare Overstreet  
 Hattie Overstreet  
 Cokeman Overstreet  
 Belle Rape  
 Leslie Irving Rape  
 Riley Overstreet  
 Olivia Estella Overstreet  
 Cora Overstreet  
 John F. Overstreet  
 Mary C. Overstreet  
 John W. Overstreet

Chickasaw Land Office, 4.

Julius Overstreet  
Roy P. Simpson  
Homa Simpson

Homa Simpson  
Okla Simpson

It does not appear that there are any proceedings  
now pending in this case.

Respectfully,

Acting Commissioner.

MCR 2657

Muskogee, Indian Territory, December 6, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir :--

There is enclosed herewith copy of letter this day transmitted to the Chickasaw Land Office at Ardmore, Indian Territory, relative to the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

JWH 6-6

MCR 2827

Muskogee, Indian Territory, December 6, 1906.

Mansfield, McMurry & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 24, 1906, denying the motion filed by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, June 26, 1906, on behalf of William Lee for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

JWH 6-5

NCR 2857

Muskogee, Indian Territory, December 6, 1906.

T. D. Taylor,  
Attorney at Law,  
South McAlester, Indian Territory.

Dear Sir :--

There is enclosed herewith copy of Departmental letter of November 24, 1906, denying the motion filed by you in this office June 26, 1906, on behalf of William Lee for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

JWH 6-4



REFER IN REPLY TO THE FOLLOWING:

MCR 2857

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

Temple McAllister,  
916 Baylor Street,  
Waco, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

# CHEROKEE NATION.

CH  
(NOT INCL)

SEX	BLOOD	TRIBAL ENROLLMENT			NAME OF FATHER	TRIBAL ENROLLMENT OF PARENT		
		YEAR	DISTRICT	No.		YEAR	DISTRICT	NAME OF Mo

REFER TO M. C. R. 2857

*Empire Mr. Albert  
etal  
Consolidated Case*

John Smith f.b.

Elizabeth Smith 1/2  
married  
John Blakely

William Blakely  
Nancy Blakely Dead Page 2.3.4  
married

Jacob Lee 1/2 Dead

Russell Blakely Dead Page 4  
wife  
Lucilla Blakely

Mary Blakely Dead Page 5  
married  
J. J. Williamson

Elizabeth Blakely Dead Page 6.7  
married  
David Williamson

Albany Blakely Dead Page 7  
married  
Arthur Barrett

James Blakely Dead Page 8.9  
wife  
Sarah Sarah Davis Blakely

John Blakely Dead Page 9  
wife  
Jane Blakely

Thomas L. Blakely Dead Page 9  
married  
J. F. Tyler

Mathew Blakely Dead Page 10  
married  
J. B. Wells

Fannie Blakely  
married  
Overstreet

Sarah Ann Blakely  
married  
Common

Nancy Blakely  
married  
Jacob Lee 1/2 dead

mbR 2559  
William Lee 60 1/8  
wife  
Annella Lee

mbR 1743  
Nancy A. Lee 55 1/8  
married  
George W. Williams  
\* did since appl. for, see  
William Robert E Lee mR 1468

Maggie Lee  
married  
Isaac Gore

mbR 1468  
Robert E. Lee 33 1/8  
wife  
Kate Lee Dead  
2nd Nelly C. Lee

mbR 2695  
Nancy A. Lee 27 1/16  
married  
Fred B. Schmidt

mbR 2695  
Johnie A. Schmidt

mbR 2696  
Fred B. Lee 26 1/16

mbR 2694  
Jacob A. Lee 23 1/16

mbR 2559  
Robert E. Lee 19

" William A. Lee 17

" Joseph E. Lee 16

" Nora A. Lee 13

" Emmette A. Lee 11

mbR 1743  
George Washington Williams 20

" Rhoda Williams 16

" Eliza A. Williams 4

mbR 1519  
Chade Cove 21 1/16

mbR 1491  
Fred Lee 26 1/16

mbR 1485  
Maggie Lee

mbR 1485  
Melissa Lee 24 1/16

mbR 1492  
Ed Royd  
\* Comm. of wife see mR 2859

mbR 1492  
Vernile Lee 20 1/16

wife  
Rennie Lee

Nancy Blackledge was  
married  
Jacob Lee 1/4 dead

Emeline Lee Dead  
married  
Mack Blackledge Dead

Elizabeth Lee was  
married  
first, John Jordan was  
second, Thomas Oden was

+ mbr 1490  
x Mack Blackledge 31 1/16  
wife  
Crisa Blackledge  
x This time app. to testimony of  
Robert E. Lee mbr 1468  
+ mbr 1487  
x Ida Blackledge 26 1/16  
married  
Frank Calame  
+ mbr 1489  
x Mollie Blackledge 21 1/16

+ mbr 1469  
x John Jordan 37 1/16  
wife  
Eula Jordan

+ mbr 1488  
x Lula Oden 36 1/16  
married  
James Harkins

mbr 1490  
Ellen Blackledge 8  
Lee Blackledge 6  
Leonard Blackledge 4

mbr 1487  
Ida Calame 6  
Bonnie Calame 2  
Nora Calame 2 m

mbr 1469  
Elmer Jordan 8  
Martin Jordan 6  
Robert Jordan 5  
Joseph B Jordan 3  
Effie M Jordan 1

mbr 1488  
Rebecca Harkins 18  
Minnie Harkins 16  
Thomas Harkins 11  
Lee Harkins 8  
Virian Harkins 5  
Vellie Harkins 5 m

Robert E Lee  
Continued

mlbr  
1468 Remah Lee 18  
" Ruth Lee 16  
" Robert Lee 14  
" Bessie Lee 13  
" Stella Lee 12

Nancy Blakely  
married  
Jacob Lee 1/4 Head  
Continued

mlbr  
1515 Jacob G. Lee 30 1/8  
wife  
Cynthia Lee

mlbr  
1516 Nannie Lee 23 1/6  
married  
John W Wood  
mlbr  
1517 Claudia Lee 20 1/6  
married  
Lacy E Murray  
mlbr  
1518 Ethel Lee 18 1/6  
married  
Joe Thuer

mlbr  
1516 Sybil Wood 3  
Lula H. Wood 2

mlbr  
1517 Emmet Murray 1

mlbr  
1515 William Lee 16  
" Ray Lee 14  
" Jessie D. Lee 10  
" Jacob W. Lee 7  
" Claribel Lee 2

Clarissa Lee  
married  
1st John Giffon  
2nd Arthur B Ross

mlbr  
2403 Thomas B. Ross 39 1/6  
wife  
Fannie M Ross

mlbr  
2404 Lily May Ross 13  
Vernice Dymark Ross 11  
Daniel Barnett Ross 10  
William Malcolm Ross 4  
Tennie Voss Ross 2

mlbr  
2406 Arthur A Ross 35 1/6  
wife  
Theaster Ross

mlbr  
2407 Lommie Ross 14  
" Media Ross 7  
" Mallie Ross 4

Vernoy Blakely  
married  
Jacob Lee (mtd)

1518  
George W. Lee 45 1/8  
wife  
Mary B. Lee

1518  
Mary A. Lee 20  
Laura M. Lee 16  
Jacob W. Lee 13  
George E. Lee 9  
William C. Lee 6  
Benjamin Lee 4  
Minnie L. Lee 7 m

Chiah Jane Blakely, Dead  
married  
Thomas J. Aubore

2888  
Oliver Aubore 22 1/2  
married  
Sidney Smith  
William Cary Aubore 12  
Mattie T. Aubore 10  
Robert Chester Aubore 8  
C. R. Aubore 6

Arnold Blakely, Dead  
wife  
Arcada Blakely, Dead

14148  
William M. Blakely 52 1/2  
wife  
Carrie T. Blakely

14148  
Ada R. Blakely 15  
Walter R. Blakely 13  
Thomas C. Blakely 11  
Francis J. Blakely 9  
Della Blakely 8  
Ida M. Blakely 6  
Miriam Blakely 4  
Ira J. Blakely 2  
Edgar Blakely 4 m

2541  
Miriam Blakely 48 1/8  
1st wife  
Catherine Mires  
2nd wife  
Martha Ann Blakely

2541  
Ella Blakely 18  
Annie Blakely 16  
Johnnie Blakely 15

<div>mbn 2857 Empie Williamson 49 1/8 married 1<sup>st</sup> Robert Boyd 2<sup>d</sup> J R McAllister</div>	<div>mbn 2859 Robert Edward Boyd 29 1/16 wife + Helen Boyd mbn 2856 Joseph H. Boyd 27 1/16 wife Irene Boyd mbn 2856 Mora B. Boyd 20 1/16 married + V Kelley mbn 2857 Bernice McAllister 19 + Bruce McAllister 14</div>	<div>mbn 2855 Irene (Lump) Boyd 3 1/2 + Frances Boyd 2</div>
<div>mbn 2856 Mary D Williamson 30 1/8 married Peter L. Adams</div>	<div>mbn 2856 William J Adams 30 1/16 wife Beulah B. Adams mbn 2863 Leynthia A Adams 32 1/16 married E W O Hill</div>	<div>mbn 2863 Ermine Hill 8 Mark Hill 7 Annie Hill 4 Ada Hill 2 Robert Hill 3 m</div>
<div>mbn 2901 Sarah M Williamson 52 1/8 married Jacob J. Adams</div>	<div>mbn 2902 Merlin L Adams 26 1/16 wife Betty L Adams mbn 2898 J. Dale Adams 23 1/16 mbn 2901 W Lynn Adams 20</div>	<div>mbn 2902 Wallace Adams 2 m</div>

Mary Blakeley Deane  
married  
J. J. Williamson



m6 R 3154 Ananda Williamson married Thomas A. Boyd	m6 R 3154 Lawrence L. Boyd 22/16 wife Annie Boyd	m6 R 3154 Henry Boyd 5 Lulu Boyd 3 Richard Boyd 2 Beatrice Boyd 3 m
	m6 R 3148 Oscar J. Boyd 28/16 wife Lola Boyd	m6 R 3148 Lola Thelma Boyd 3 " Albert P. Boyd 1
	m6 R 2805 Oral Boyd 26/16 wife Emma Boyd	m6 R 2805 Ananda May Boyd 4 " Lillie Gerhart Boyd 2 " William Curtis Boyd 7
	m6 R 2858 Lucada Walker 26/16 married John Walker	
m6 R 3139 Martha Williamson married Niram Walker	m6 R 3139 William J. Walker 18	
	m6 R 2858 Niram H. Walker 17	
	" Henry Walker 16	
	" Jim Walker 11	
m6 R 3139 Maria Williamson 42/16 married 1st W. J. Owens Dea 2nd J. H. Eipson	m6 R 3138 John Owens 21/16	
	m6 R 3139 James Owens 18	
	" Eugene Owens 16 (7)	
	" Florence Owens 15	
	" Conrad Eipson 8	
	" Nathan Eipson 5	

Elizabeth Blakeley Dea  
married  
David Williamson

mlg R  
2854  
Margie Williamson 3 1/2  
married  
Jeff Adams

mlg R  
2854  
Lila N Adams 16  
Willie M Adams 15  
Robert Adams 13  
Lizzie Adams 11  
John David Adams 9  
Jeff Adams 7  
Harris Adams 5  
Callie Ann Adams 9 m

Elizabeth Blakeley  
married  
David Williamson  
Cont 2

Sophronia Williamson  
married  
John Kirby

mlg R  
5065  
Callie V. Kirby 26 1/16  
married  
Thos. I Bryant

mlg R  
5065  
Bertha Lu Bryant 7  
Mamie A Bryant 6  
Harry (Leland) Bryant 2

mlg R  
2856  
William N. Williamson 39 1/8  
wife  
Mollie Williamson

mlg R  
2856  
Edgar Williamson 19  
mlg R  
2856  
Lora Williamson 18 1/16  
married  
Charlie Langston  
mlg R  
2856  
Joseph Williamson 16  
Fannie Williamson 14  
Annie Williamson 11  
Jewel Williamson 9  
Thos Williamson 6  
William Cary Williamson 6 m

mlg R  
2856  
Elmer N. Langston 6 m

Albany Blakeley  
married  
Arthur Barrett

mlg R  
2853  
Lillian Barrett  
married  
William Thomas

mlg R  
2853  
Jesse Thomas 14  
Charles Porter Thomas 12  
William Vernon Thomas 10  
Robert Oral Thomas 8  
Anna Thomas 6  
Ira Thomas 4  
Nettie Thomas 2 1/2

mb<sup>R</sup>  
5875 Mary J. Kennedy 32/16  
married  
M. B. Knowles

mb<sup>R</sup>  
5876 Lottie W. Knowles 12  
" Julia A. Knowles 10  
" Claudie M. Knowles 6

mb<sup>R</sup>  
5878 Robert E. Kennedy 30/16  
wife  
Thelma L. Kennedy

mb<sup>R</sup>  
5878 Ada Kennedy 8

mb<sup>R</sup>  
5877 Albany Blakeley 54/8  
married  
J. M. Kennedy

mb<sup>R</sup>  
5877 Thomas L. Kennedy 27/16  
wife  
Ida L. Kennedy

mb<sup>R</sup>  
5876 Sarah A. Kennedy 26/16  
married  
R. D. Harris

mb<sup>R</sup>  
5876 William H. Harris 10  
" Robert R. Harris 7  
" Nedona Harris 4  
" Julia A. Harris 8 m

mb<sup>R</sup>  
5874 Robert A. Kennedy 1

mb<sup>R</sup>  
2890 William L. Blakeley 25/16  
wife  
Ida Blakeley

mb<sup>R</sup>  
2891 Lottie Blakeley 24/16  
married  
Walter Forythe

mb<sup>R</sup>  
2891 Freddy Forythe 5  
" Bertie Forythe 3

Robert Robert B. Blakeley  
married  
1<sup>st</sup> Cynthia Blakeley  
2<sup>nd</sup> Lela B. Blakeley  
now  
Hippington

mb<sup>R</sup>  
5069 Walter T. Blakeley 18  
" Ida L. Blakeley 16  
" Robert L. Blakeley 14  
" Albert H. Blakeley 12  
" Edgar D. Blakeley 10  
" Lucy Emma Blakeley 8  
" Claude C. Blakeley 6  
" Ernest V. Blakeley 3

Jennie Blakeley Deane  
wife  
Thelma Sarah Davis Blakeley

James Blakeley wife Callie Chas Davis Blakeley	mb 5066 William T. Blakeley 52/8 wife Mabel Blakeley	mb 5067 James E. Blakeley 31/16 wife Amanda Blakeley Annie Blakeley married Leary	mb 5067 Minnie Lee Blakeley 5 William Edward Blakeley 3 Jose Ray Blakeley 4 m
		mb 5066 Marshall Blakeley 15 Homer Blakeley 13 Sallie Blakeley 9	
John Blakeley Dea wife Jane Blakeley Dea	mb 5073 John Blakeley 58/2 wife Martha J. Blakeley	mb 5073 Dickson Blakeley 20 Lizzie Blakeley 17 Flora Blakeley 16	
		mb 5068 John J. Volentine 18/16 wife Amanda Volentine Alice A. Volentine 17 Edgar O. Volentine 15 Mattie L. Volentine 14 Conart E. Volentine 6	
Ompie L. Blakeley married J. F. Tyler	mb 5063 Francis O. Tyler 32/8 married Charles H. Volentine J. F. Tyler wife Margaret Tyler Dea	mb 5068 Ralph Tyler 19/16	

Mather Blakely *Dead*  
married  
J. B. Wells

Elizabeth Wells *Dead*  
married  
T. J. Perry

<sup>mlb R</sup>  
<sup>52<sup>nd</sup></sup> Annie C. Perry 33 1/6  
married  
Mather J. Lawhon

<sup>mlb R</sup>  
<sup>53<sup>rd</sup></sup> Mary M. Perry 29 1/6  
married  
J. R. G. Bird

<sup>mlb R</sup>  
<sup>53<sup>rd</sup></sup> Laura E. Perry 27 1/6  
married  
Thomas H. Bird

<sup>mlb R</sup>  
<sup>52<sup>nd</sup></sup> Irrell Young Lawhon 5  
" Frank George Lawhon 2

<sup>mlb R</sup>  
<sup>53<sup>rd</sup></sup> Mattie H. Bird 8  
" Grace H. Bird 5  
" Alfred H. Bird 3  
" Carl W. Bird 1

<sup>mlb R</sup>  
<sup>53<sup>rd</sup></sup> Leary C. Bird 8  
" Roy Floyd Bird 2  
" William Ray Bird 7 m

July 24/05

Recd of Commissioner to the Exchequer the  
following papers in the case of  
James McAllister et al MCR  
2857

copy testimony Aug 25/02,

" July 11/01,

" July 8/01,

" Jan 4/02,

" Deptal letter Aug 18, 1903,

" Decision of Commission on 23, 1903

Transmitted to Mary Cornish  
JW

No. 2557

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name Tempie McAllister

Age 49 Blood 1/8

Post Office, Waco, Texas

Father: J. J. Williamson (dead) <sup>915 Baylor St.</sup>

Mother: Mary Williamson (dead)

Claims through mother  
husband; L. P. McAllister (dead)

Children:

Arpence McAllister 19

Bruce 14

Claims for self and two  
children

Stenographer

Hessou J. [unclear]

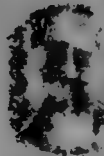


DEPARTMENT OF  
POSTAL SERVICE

RECEIVED

*Handwritten signature*

Commissioner

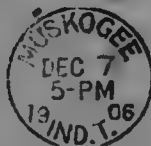




Department of the Interior

Commissioner to Native Civilized Tribes

MUSKOGEE, IND. TER.

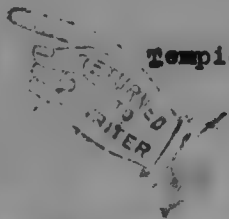
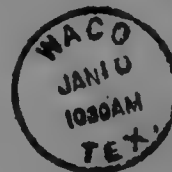


UNCLAIMED

Temple McAlester,

915 Baylor Street,

Waco, Texas.



Choctaw MCR 2858

Arcada DuBose

MCR 2858

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 2, 1901.

2858

In the matter of the application of Arcada DuBose for the identification of herself and her three minor brothers as Mississippi Choctaws.

Arcada DuBose being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Arcada DuBose.  
Q A-r-c-a-d-a- D-u-B-o-s-e? A Yes.  
Q Two capitals in DuBose? A Yes.  
Q What is your age? A Twenty-six.  
Q What is your post-office address? A Burke, Texas.  
Q How long have you lived there? A About six months.  
Q Where did you live before you lived there? A Pope County, Texas.  
Q How long have you lived in Texas? A All my life; was born and raised in Texas.  
Q Never had a residence anywhere else? A No.  
Q What is your father's name? A Hiram H. Walker.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Martha Walker.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Are you married? A Yes.  
Q What is your husband's name? A Tom DuBose.  
Q Is he living? A Yes.  
Q Do you make application on behalf of your husband? A No.  
Q He is a white man and makes no claim to Indian blood? A Yes.  
Q Have you any children for whom you wish to make application at this time? A No I haven't any of mine.  
Q You want to make application for your brothers? A Yes.  
Q How many? A Three of them; you say I can't put the other one in- he is twenty.  
Q It would be better for him to come and testify for himself. A I expect he will come then.  
Q What are the names of your brothers? A The oldest of the three is seventeen- his name is Hiram H. Walker.  
Q The same name as your father? A Yes.  
Q Next? A Henry Walker- sixteen.  
Q Next? A Jim Walker- eleven.  
Q What was the name of the father of these children? A Hiram H. Walker; my brother is named after him.  
Q Is their father living? A No.  
Q Who is the mother of these children? A Martha Walker.  
Q Is she living? A No.  
Q These are all own brothers and have the same father and mother as you? A Yes, just the same.  
Q Has any guardian been appointed for these children by the Court? A No.  
Q Who takes care of them? A Well, my brother takes care of two of them and one is at my house.

- Q You take care of the one that is with you? A Yes.
- Q And your brother takes care of the two that are with him? A Yes.
- Q Why doesn't he make application for them? A Well, he is not here and I don't know whether he will come. I thought I could put in for them.
- Q Has any application ever been made for these children to be admitted to citizenship in the Choctaw nation? A No.
- Q Any one ever apply to the Choctaw Council for them to have them admitted to the Choctaw nation? A No.
- Q Did any one apply for them in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q They have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q No application has ever been made for them prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No, only what I am making.
- Q Is this the first application that has ever been made for them? A Yes.
- Q And you now make application to have them identified as Mississippi Choctaws? A Yes.
- Q And their ancestors were the same as yours? A Yes.
- Q They claim through the same ancestor as you? A Yes.
- Q Is your name or the names of these boys on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or these minor brothers of yours to be enrolled as members of that tribe? A No.
- Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizen of the Choctaw nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q How do you claim your right now to identification as Mississippi Choctaws? A 1830 the fourteenth treaty.
- Q What do you mean by that? A Well, I can't tell you. I know the meaning of it but I can't explain it to you.
- Q Do you mean the treaty that was made in the year 1830? A Yes.
- Q The provision of law vesting the Commission with authority to identify Mississippi Choctaws empowers it to hear those applicants who claim their rights under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to remove the Indians in the State of Mississippi to a country West of the Mississippi River; and found it impossible to get a treaty with them until some provision was made for those Indians who didn't want to come West with the other Indians; so article fourteen was made a part of the treaty for the benefit of those Choctaw Indians who did not want to come West. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the agent his intention within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six

hundred and forty acres of land to be bounded by sectional lines of

survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age/ to adjoin the location of the parent; if they res do up on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this treaty shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to go West with the others could, by going to the Indian agent there within six months after the treaty was ratified and telling him that they wanted to stay in Mississippi and become citizens of the States receive land there in the State of Mississippi, and if they did this they were not to forfeit the right of citizenship in the Choctaw nation but if they ever removed they were not to be entitled to any portion of the Choctaw annuity. Do you claim now under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No not that I know anything about.

Q You know what is meant by the word "ancestor"? A Yes.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were recognized members of the Choctaw tribe of Indians in 1830 when the treaty was made between the United States and the Choctaw Indians? A Well, its my grandfather no, my great-grandmother Elizabeth Smith.

Q She was the ancestor who lived in Mississippi in 1830? A Yes.

Q Was she a Choctaw Indian? A Yes.

Q Have you any evidence of that fact? A Yes.

Q What kind of evidence have you? A She can tell.

Q Would you like to have her called as a witness in your case? A Yes.

Q Well what is the name of these witnesses you would like to have called? A I don't know- I never did meet her until last night. (Here somebody tells her the name is Adams.)

Q If she never met you until last night how does she know that you are a descendant of this Elizabeth Smith and can testify as to that?

A Yes she knows.

Q What was your grandmother's name? A Williamson- Elizabeth Williamson.

Q Was she living in Mississippi in 1830? A No I don't believe she was.

Q You don't know about that yourself? A No.

Q How do you know that your great-grandmother was living in Mississippi in 1830? A I just know by what the rest says; I am not old enough to know anything about that. She will tell you.

Q Are there any other witnesses beside this one you speak of who know about your great-grandmother having lived in Mississippi and having been a Choctaw Indian? A Yes.

Q Could you get the evidence of these persons? A Yes.

Q Could you have them brought before the Commission and have them testify? A No not all of them; you see my grandmother is too old, she is eighty-I forget how much- maybe just eighty I don't know exactly but I know she is so old and feeble she can't come this far.

Q Could you get her deposition? A Yes.

Q Are there other witnesses you could get? A Yes, my aunt and may be several more.

Q Is your great grandmother's maiden name Elizabeth Smith?

A I don't know.

Arcade DuBose--4

- Q You don't know then whether that is her maiden name or her name after she married? A No.
- Q Did this Elizabeth Smith, your great-grandmother remove from the State of Mississippi with the Choctaw Indians to this Indian Territory?
- Q A No she stayed there until she died; that's what I have been told.
- Q Have you any witnesses who could testify as to that fact? A Yes.
- Q Could you get them here in person before the Commission? A Yes.
- Q If she did not remove with the other members of the tribe did she go to the Indian agent there to the Choctaw Indians in Mississippi and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A I don't know anything about that at all.
- Q Could you have any witnesses who could testify on that point? A I don't know whether I have or not.
- Q You don't know of any one living who could testify as to that from personal knowledge? A No, I don't.
- Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No, I don't think they have.
- Q Did any of them ever get any land from the Government under this treaty? A No.
- Q Did any of them ever get any scrip? A No.
- Q Is there anything else you would like to say in support of your application at this time? A No.
- Q You want to offer the evidence of Sarah Adams in your case? A Yes.

Sarah M. Adams being called and sworn as a witness in this case testified as follows in behalf of applicant:

- Q What is your name? A Sarah M. Adams.
- Q What is your age? A Fifty-two.
- Q What is your post-office address? A Colorado City, Texas.
- Q Are you acquainted with the applicant in this case, Arcade DuBose?
- A I never saw her until yesterday.
- Q Are you related in any way to her? A Her mother is my cousin.
- Q Do you know that she is related to you in this way? A I don't know but think she has always been claimed as this- my aunt's grandchild; I have often heard her mother speak of her daughter.
- Q You know her mother personally? A No.
- Q You know them, that is, it has always been a matter of family history that she is related to you? A Yes.
- Q Do you know her mother's name? A Martha Walker.
- Q And did you know her father's name? A Hiram Walker.
- Q Do you know which one of her parents claim to be Indian? A Her mother.
- Q Who was her mother's mother? A Elizabeth Blakeley.
- Q How did you learn the names of the parents of this applicant?
- A Well, through their grandmother; I have often heard her speak of them.
- Q You just know it as a matter of family history? A Yes.
- Q Are you acquainted with the grandmother of this applicant, Elizabeth Williamson? A Well acquainted.
- Q What relation is she to you? A My aunt.
- Q And were you acquainted with the great-grandmother Elizabeth Smith? A I have a recollection of her; she married my grandfather- was a Blakeley- Smith was her maiden name.
- Q Do you know of your own knowledge that Elizabeth Blakeley lived in Mississippi in 1830? A I can't say. I know my mother lived there in Newton County till she ~~was~~ married.
- Q Do you remember your grandmother in Mississippi? A A little.
- Q I believe you said in your case this morning that you attended her funeral? A Yes.
- Q That was in Mississippi? A Yes.
- Q And she always had lived in Mississippi? A Yes as far as I knew.



Arcada DuBose---5

You don't know whether she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that she wanted to stay in Mississippi and become a citizen of the United States? A No.

Q You don't know whether she was recognized or enrolled as a member of the Choctaw tribe of Indians at that time? A No.

Q How much Choctaw blood did Elizabeth Smith have? A One half.  
To applicant: Is there anything further you would like to have the witness asked? A Well, if that is not enough proof enough I would like to have time to fix it up. No nothing else that I know of.

(Witness excused.)

Q Have you any documentary evidence, evidence or papers of any kind that you want to file now? A No.

Q Should you desire to offer additional evidence in support of your application, either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in this application. A Yes I would like to have time.

Q Well the Commission will accept any such evidence. Can you speak Choctaw? A No.

Q Could your mother? A No I know she can't I never did hear her; my grandmother could.

Q Did you know your grandmother? A I have seen her when I was small.

Q How do you know that she talked Choctaw? A Well, I have just been taught that by the rest; of course I never did hear her talk.

The applicant in this case has the features and general appearance of a white person, having light brown hair and blue eyes and the features common to a white person. She has no knowledge of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, although she states that her great-grandmother through whom she claims lived and died in Mississippi. She has very little knowledge of her ancestors. She does not speak or understand the Choctaw language.

Henry G. Hains being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 5 day of Aug. 1901.

R. H. Hinebaugh,  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2902.

In the matter of the application of Thomas W. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

6 In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2889.

In the matter of the application of Arcada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2888.

In the matter of the application of William Gary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2889.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2886.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2886.



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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. H.C.R. 2854

In the matter of the application of William A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 12, 1901. H.C.R. 2855

In the matter of the application of William L. Blakely for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 13, 1901. H.C.R. 2856

Davis being called and sworn as interpreter;

John Lewis being called and sworn as a witness in the cases and examined by Davis, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Tell me what his name is, Dr. Lewis? A He says: "There are two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis."  
Q Ask him how old he is? A Eighty seven.  
Q What is his post-office address? A Hoggy Depot.  
Q Indian Territory? A Yes.  
Q Ask him if he knows Sarah W. Adams and her children, Willie C. Adams and J. Duke Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.  
Q Ask him if he knows Thomas P. Ross and Arthur Ross? A He says he don't know anything about these names at all.  
Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.  
Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they didn't live old enough, he don't know them.  
Q Ask him if he knows Arenda Dubose, Thomas J. Dubose and William Gary Dubose? A "I might know something about these older people but these younger people I don't know anything about."  
Q Ask him if he knows William D. Williamson, Margie Adams, William L. Thomas and William A. Blakely? A He says he don't know them.  
Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?  
A No, he don't know.  
Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes I am full blood Choctaw" he says.  
Q Ask him if his name is on the tribal rolls of the Choctaw nation?  
A "yes; he went to different rolls; wherever these rolls are his name is there too."  
Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw nation it has been about 60 years at one place."

POOR ORIGINAL -  
BEST AVAILABLE COPY

Q Ask him where he lived before he came here to the Choctaw Nation?  
A First originated here and then went to Texas right on the line of  
Mexico, there were Choctaws there then and he went and stayed there  
in a little town- he don't know what the name would be but he says  
it Hoo-o-logee; and there was a band of Choctaws there, and he stayed  
with them several years, and he came back over into the Choctaw Na-  
tion.

Q Ask him where he was born? A In Mississippi in the old Nation.  
Q In what part of Mississippi? A About the far corner of the State  
of Mississippi.

Q Did he ever get County? A No, says where was no County then; he  
says the line was around to a way, running to a way, and the Chickasaw  
Nation was right joining it.

Q Ask him if he lived in Mississippi in 1807? A I was right there  
present right at Dancing Rabbit Creek in 1807; he was about sixteen  
years old then.

Q Ask him if he knew about that article fourteen of the treaty of  
1807? A He don't pay much attention to it; he can't read and he don't  
know what that treaty was but he was there present when they were  
signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1807  
was made? A He says he don't know just how long, but he says he was  
second migration; it's about two years after the first migration;  
that was about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at  
that time? A He could think back and remember a few years.

Q Ask him if he knew the Choctaw Indians? A He says then in Mississippi  
he knew everybody living there in Mississippi named Elizabeth Smith  
before she was married and Elizabeth Blakeley afterwards.

A He says Elizabeth Smith married a white man by the name of Blakeley  
and he don't know she originated out; that there were some that stayed  
there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or white woman?  
A Her father was Choctaw.

Q Well, blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw wife, he  
says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth Smith had a Choctaw name? A He says there  
was some white missionaries came there and they did preaching and some  
of them were joining the church and an English name was given some of  
them by the missionaries and then they give them English names they  
use there. "I can remember Elizabeth well but I can't remember her  
Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she  
lived near him if she did? A He knew her in Mississippi; he says  
that he lived in the same neighborhood, near, those where Elizabeth  
lived; called by the name of Sweet Gum Grove or Park.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government  
there as being Choctaw Indian? A Yes; was recognized as Choctaw by the  
Choctaw in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaw at that time? A He says  
he thinks she registered he don't know; every Choctaw gave the name of  
what they remembered and I think she registered I don't know, he says.

Q Ask him if she came West with the other Indians? A Says "didn't come  
West."

Q Ask him if she went to the Indian agent there within six months  
after that treaty was ratified and told him that she wanted to stay in  
Mississippi and become a citizen of the United States? A He says  
that those that meant to stay there that they always registered made  
to take the five years staying a good many of them sent in their ponies  
or sticks and those numbers of sticks, those bundles of sticks repre-  
sented each head of a family when they sent in a bundle of sticks.

POOR ORIGINAL -

BIG

Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.  
Q Ask him what that white man's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets then he can't get it back.  
Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.  
Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.  
Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.  
Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.  
Q Ask him if she ever told him that she was going to register or that she had gone? A He she never told him.  
Q Ask him if he knows the names of any of her children? A He don't know the names.  
Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.  
Q And did she still stay in Mississippi after he left there? A Yes.  
Q Ask him if he ever knew her any more after he left Mississippi?  
A Never did see her any more.  
Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? A He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.  
Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.  
(To applicant):  
Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.  
Q Ask him if he remembers the name of Elizabeth Smith's husband now?  
A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.  
Q Ask him if he didn't say a while ago that it was Blakeley? A He says he has forgot it.  
Q Well, ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.  
(To applicant).  
Q Is there anything more you can think of that has not been brought out? A I think not.  
Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.  
(Witness excused).

Henry G. Maine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

Henry G. Maine

Subscribed and sworn to before me this 17 day of August, 1901.

H. H. Lincolbaugh  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2890.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

#2

In the matter of the application of Arcade DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-



#3

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in the Indian Territory? A Yes when I was little.
- Q Did you live in the Choctaw Nation in the Indian Territory? A Never here, I did not. I Lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Indian Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you ~~you~~ a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBose, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes--He is my son, William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

#4

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born in the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? A (By Attorney; was it before the war) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that youxx were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

#5

- Q Do you know whether Elizabeth Smith or Elizabeth Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? ---- What was their names please? --Their names or mine?
- Q No, their. -- Give me the names of your brother's and sisters? A John, Fannie, Naney, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you got Rhoda Blakley.
- Q Now the next after Rhoda? A Russell, Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Barrington being called as a witness, testified as follows, being first duly sworn:

- Q What is your name? A Barrington H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the War broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A Yes, in Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh well I just can't tell you that.



#3

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I hardly know what you ~~mean~~ want.
- Q Are you a white woman? A Yes I pass for one.
- Q You xdon't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William E. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DoBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence E. Boyd, William F. Walker, Nora B. Hilley, and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are all related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was the given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and greatgrandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if the did or not but they was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to the se Commissioners and tried to get land there in Mississippi? A No I do not know.

#7

Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eye a black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Qc You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, August 19, 1901.

Arenda DuBose,

Burke, Texas.

Dear Madam:-

Receipt is hereby acknowledged of the affidavit of Ira  
Willis Walker, which you offer for filing in support of your appli-  
cation for the identification of yourself and minor brothers as  
Mississippi Choctaws.

The same has been filed with the records in this case.

Yours truly,

M.C. 2858.

Mustoge, Indian Territory, October 4, 1901.

Messrs. Strassburger & Dammann,  
Rooms 100-110 Columbian Building,  
Washington, D. C.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 16, 1901, in which you state that you have a communication relative to the claims of T. J. DuBose, Arcada DuBose and Olive Smith, and ask to be advised when the same are transmitted to the Indian Bureau at Washington, D. C.

In reply to your letter you are advised that it appears from our records that on July 8, 1901, Arcada DuBose appeared before the Commission at Atoka, Indian Territory, and applied for the identification of herself and her three minor brothers as Mississippi Choctaws.

It also appears that on July 9, 1901, Olive Smith appeared before the Commission at Atoka, Indian Territory, and applied for the identification of herself and her minor child as Mississippi Choctaws.

No action has yet been taken in regard to these applications. When a decision is rendered a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be

S.A.D.#2.

mailed to the applicant at their present Post Office addresses.

It is respectfully suggested that you place yourselves in communication with such applicants or their attorneys, in order that they may in turn advise you of the rejection or other disposal of their applications.

It does not appear from our records that any person by the name of T. J. DuBose has ever applied for identification as a Mississippi Choctaw.

Yours truly,

M.C. 2858  
W.C. 2838.

Muskogee, Indian Territory, October 4, 1901.

Messrs. Strasburger & Dammann,  
Rooms 109-110 Columbian Building,  
Washington, D. C.

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No action has yet been taken in regard to these applications. When a decision is rendered a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be

S. & D.--2.

mailed to the applicants at their present post office addresses.

It is respectfully suggested that if you are the attorneys who are to represent the parties referred to herein when the papers relative to their cases are forwarded to the Secretary of the Interior, you should comply with the rules and regulations promulgated governing attorneys and agents. For this purpose there are enclosed you herewith copies of the oath and rules. Upon receipt of your application made in strict compliance with rules 1, 4, 5 and 6, your names will be entered on the records of the Commission, and due notice relative to any action which may be taken in the cases referred to in your letter, will be mailed to you.

It does not appear from our records that any person by the name of T. J. DuRose has ever applied for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

M.C. 2858  
M.C. 2888



COMMISSIONERS  
HENRY L. DAWES,  
TAMS DIBBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 2858

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Arcada DuBose,  
Burke, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158



William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Culame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al ,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tonimia Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Grace H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2858.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Arcada Du Bose,  
Burke, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*I. B. Needles.*  
Commissioner in Charge.

MCR 2858

Muskogee, Indian Territory, December 6, 1906.

Arcada Du Bose,

Burke, Texas.

Dear M adam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

2858  
Arcada Su. Pos.

et an

DECISION RENDERED. JAN 23 1963

RECEIVED

1967

DUPLICATE No. 2558

For Identification as a Mississippi Choctaw.

Date JUL 8<sup>th</sup> 1901

Name Arcada Du Pose

Age 26 Blood 1/16

Post Office, Burke, Texas.

Father: Hiram H. Walker

Mother: Martha Walker (dead)

Claims through mother

husband: Tom Du Pose  
(no claim for him)

Children:

Claims for self ~~only~~ and  
three brothers

Hiram H. Walker 17

Henry " 16

Jane " 11

Father: Hiram H. Walker (dead)

Mother: Martha Walker (dead)

Stenographer

Henry G. Hains.

Choctaw MCR 2859

Albert Edward Boyd

MCR 2859

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 8, 1901.

#2859

In the matter of the application of Albert Edward Boyd for  
identification as a Mississippi Choctaw.  
Albert Edward Boyd being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ed Boyd.  
Q Is that the way you always sign your name? A Ed or A.E. A.E. is  
the way I always sign my name.  
Q What does that A.E. stand for? A Albert Edward.  
Q What is your age? A Twenty nine.  
Q What is your post-office address? A Board, Texas.  
Q How long have you lived there? A Two years.  
Q Where did you live before you lived there? A Waco.  
Q How long have you lived in Texas? A About twenty-nine years; all  
my life.  
Q Were you born in Texas? A Yes.  
Q Never have had a home anywhere else? A No.  
Q What is your father's name? A Robert Boyd.  
Q Is he living? A No.  
Q What is your mother's name? A Mrs. Tempie McAllister; been married  
twice.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw  
blood? A Through my mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification  
as a Mississippi Choctaw ever been recognized in any manner or en-  
rolled as a member of the Choctaw tribe of Indians by either the  
Choctaw tribal authorities or the authorities of the United States?  
A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Melissa Boyd.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q She is a white woman and makes no claim to Indiana blood? A She has  
claimed she has made claim- she has already made application.  
Q When? A March 7th.

The name of Melissa Boyd appears on Choctaw card #1485

- Q Have you any children? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in  
the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in  
the Indian Territory for enrollment in that tribe? A No.  
Q Did you or any one for you in 1896 make application to the Com-  
mission to the Five Civilized Tribes for citizenship in the Choctaw  
Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by the Choctaw tribal authorities, the Commission to the Five Civiliz-  
ed Tribes or by judgment of United States Court in Indian Territory?  
A No.  
Q Have you ever made application prior to this time to either the  
Choctaw tribal authorities or the authorities of the United States  
to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
Q Is this the first application of any description you have ever made?  
A Yes.



Albert Edward Boyd---2

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make your claim now to identification as a Mississippi Choctaw? A Treaty of 1830 article fourteen.

Q You base your claim then on the fourteenth article of the treaty of 1830 do you? A Yes.

Q Are you familiar with the provisions of that article? A No, I am not, but I have read it and heard it read.

Q The Commission wanted to remove the Choctaw Indians from the State of Mississippi to a country West of the Mississippi River and in 1830 they tried to make a treaty with the Indians for their removal but found it impossible to get any treaty with them until some provision was made for those Indians who didn't want to come West; so article fourteen was made a part of the treaty and after that the Indians signed the treaty without any further opposition. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said

lands intending to become citizens of the States in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could remain in Mississippi and receive land there by going to the Agent within six months after the treaty was ratified and telling him that they didn't want to go West that they wanted to stay in Mississippi and take land there and become citizens of the United States. And that persons who did this would not lose the privilege of Choctaw citizenship but if they ever removed were not to be entitled to any part of the Choctaw yearly payments of money. You make your claim under this article of this treaty do you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe when this treaty was made in 1830? A

A There's Elizabeth Smith who married John Blakeley.

Q What relation was she to you? A My great-grandmother.

Q Did she live in Mississippi in 1830? A Yes; I have been told, I don't know anything about it myself.

Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I don't know.

Q Is there anybody living who could testify as to either of these matters? A I don't know its through my mother and aunt.

Q Does your mother know anything about that personally? A No, but my aunt- I don't know only what they testified today.

Q Do you want their evidence made a part of your case? A I don't know whether that would do any good.

Q You understand that each case must have its own evidence. A Well, wouldn't the evidence they give be good in my case?

Q That's what I am asking you whether you want to use their oral testimony in your case? A No, I don't know that I do.

Q You don't care to do that? A No.

Q You understand that anything they may have testified to in these, their own cases, won't count in your case unless it is made a part of the record in your case? A Yes, I understand.

Edward E. Boyd--3

Q You want to offer oral testimony in your case? A Yes.

Q Did your great-grandmother Elizabeth Blakeley remove from the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation with the other Indians removed from 1833 to 1838? A No; that's what I have been told; no.

Q Is there any one living who does know about that personally?

A Yes, my aunt here.

Q Is there any one else who knows of these facts? A I don't know; I don't know much about that; I can't go further back than my grandmother.

Q You understand it is a material fact in your case to have evidence as to whether your ancestor was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know, I suppose.

Q If your great-grandmother Elizabeth Blakeley did not remove with the other members of the tribe did she within six months after the ratification of the treaty of 1830 go to the Indian agent there in Mississippi and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A I don't know whether she did or not.

Q Has you any witnesses who could testify on that point? A No.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of them ever get any land from the Government under this treaty of 1830? A Not that I know of.

Q Did any of them ever get any scrip from the Government under this treaty of 1830? A Not that I know of.

Q Is there anything else you would like to say in support of your application at this time? A No, only time to get proof.

Q You want to offer the evidence of your mother and aunt at this time? A Yes.

Tempie McAllister being called and sworn as a witness in this case, testified as follows in behalf of applicant:

Q What is your name? A Tempie McAllister.

Q What is your age? A Forty-nine.

Q What is your post-office address? A Waco, Texas.

Q Are you acquainted with the applicant in this case? A Yes, he is my oldest son.

Q Do you know the name of his grandmother, your mother? A Yes, her maiden name was Mary Blakeley; Mary Williamson when she was the wife of Williamson.

Q She was a Choctaw Indian? A She was one quarter.

Q What was the name of the great-grandmother of this applicant? Her name was Elizabeth Blakeley, formerly Elizabeth Smith.

Q That is the ancestor through whom he claims his right to identification as a Mississippi Choctaw? A Yes.

Q Did she live in Mississippi in 1830? A Yes.

Q Do you know this of your own knowledge? A No, only from hearsay; that's before I was born.

Q Do you know that she ever lived in Mississippi? A No, I don't from my own knowledge- she died when I was about three years of age; I have a very indistinct recollection of my grandmother.

Q Do you know anything else about your grandmother, the great-grandmother of this applicant, as to whether she went to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A If she did I never have heard of it; that's before my recollection.

(To applicant) Do you want the witness asked anything more? A No.

(Witness excused.)

Albert H. Boyd---4

Sarah M. Adams being called and sworn as a witness in this case testified as follows in behalf of applicant:

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty two.  
Q What is your post-office address? A Colorado City, Texas.  
Q Are you acquainted with the applicant in this case? A Yes.  
Q How long have you known him? A He--all his life.  
Q What relation is he to you, if any? A Nephew.  
Q What was his mother's name? A Tempie McAllister.  
Q What relation is she to you, if any? A Sister.  
Q You claim your right to identification as Mississippi Choctaws through the same ancestor? A Yes.  
Q What was that ancestor's name? A My grandparents? Its Elizabeth Smith- her maiden name- she married a Blakeley.  
Q Did she live in Mississippi in 1830? A Yes.  
Q You knew her personally, did you? A Slightly, I was small when she died.  
Q Where did she die? A In Newton County, Mississippi.  
Q She had lived in Mississippi all her life? A Yes; as far as I know she did.  
Q You don't know whether she went to the Indian Agent there in Mississippi within six months after the ratification of this treaty and told him that she wanted to stay there in Mississippi and become a citizen of the United States? A I never heard of it if she did.  
Q You don't know whether she ever owned any land in Mississippi which she received from the Government? A I don't know; they had a very good home there; they settled there in a very early day; I don't know how they got it.  
Q You never saw any deed or patent to that land? A No.  
Q There never was any tradition in the family as to whether they got it from the Government or not? A Never did.  
(To applicant) Is there anything further you would like to have the witness asked? A No.

(Witness excused).

- Q Are there any witnesses that you could bring before the Commission to testify as to your ancestors and whether they ever lived in Mississippi in 1830 and were recognized members of the Choctaw tribe or whether they ever complied with the provisions of the fourteenth article of the treaty of 1830? A No, only in Texas and they are so old that I must get their depositions or affidavits.  
Q Can you get their depositions? A Yes or affidavits.  
Q Should you desire to offer any further evidence in support of this application either the oral testimony of witnesses their depositions or affidavits the Commission will accept them and make them a part of the record in your case. It would be better to have the witnesses here in person; if not, the Commission will accept their depositions or affidavits. Can you speak Choctaw? A No.  
Q Could your mother? A A little but not much, a few words.  
Q Could she carry on a conversation in Choctaw? A No.

The applicant in this case has every appearance of a white man, having red hair and mustache, hazel or brown eyes and florid complexion; he has none of the features or characteristics of an Indian. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830, although he states that his great-grandmother through whom he claims his right to identification as a Mississippi Choctaw lived and died in Mississippi.

Albert B. Reynolds

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 5 day of Aug 1901.

R. H. Hinebaugh

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2901.

In the matter of the application of Marlin G. Adams et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2902

In the matter of the application of Thomas H. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al. for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2905

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2957

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2958.

In the matter of the application of Arcadia DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2959

In the matter of the application of William Cary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2960

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2965

In the matter of the application of William B. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2966



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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post-office address? A Boggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he d knows these old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they didn't live old enough, he don't know them.

Q Ask him if he knows Arcada DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these elder people but these younger people I don't know anything about."

Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws? A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes I am full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw nation? A "yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw nation it has been about 60 years at one place.

Q Ask him where he lived before he came here to the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town- he don't know what the name would be but he gave it Nek-e-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old Nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830; he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he know the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?  
A Her mother was Choctaw.

Q Full, blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English names they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetgum Grove or Fork.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know, he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.

Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.

Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.

Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.

Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.

Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.

Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.

Q Ask him if he knows the names of any of her children? A He don't know the names.

Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.

Q And did she still stay in Mississippi after he left there? A Yes.

Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.

Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? A He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.

Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.

(To applicant):

Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.

Q Ask him if he remembers the name of Elizabeth Smith's husband now? A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.

Q Ask him if he didn't say a while ago that it was Blakeley? A He says he has forgot it.

Q Well, ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.

(To applicant):

Q Is there anything more you can think of that has not been brought out? A I think not.

Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.

(Witness excused).

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. H. Linebaugh*  
Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2890.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1483.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 18, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 12, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2889.

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In the matter of the application of Arcada DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2858.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Ginson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

Q What is your name? A Williamson.  
 Q What is your first name? A Elizabeth.  
 Q How old are you? A I will be eighty-one years old in a few days.  
 Q What is your post-office address? A Dawson.  
 Q Texas? A Yes, Texas.  
 Q What nationality do you claim to be? A I claim to be Indian.  
 Q What kind of Indian? A Choctaw.  
 Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.  
 Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.  
 Q And it was your mother who married a Blakley? A Yes.  
 Q How much Choctaw blood did your mother claim to have? A She was a one-half.  
 Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.  
 Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.  
 Q Did you ever live in the Indian Territory? A Yes when I was little.  
 Q Did you live in the Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.  
 Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Indian Territory. I was before.  
 Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.  
 Q Where were you ~~you~~ a recognized Choctaw Indian? A Yes.  
 Q Where? A In Mississippi, in Newton County.  
 Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.  
 Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.  
 Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.  
 Q Are you acquainted with William L. Blakley, Mattie Perrythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Temple McAllister, Albert Edward Boyd, Areada DeBese, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Gipsen, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.  
 Q Are you related to them? A Yes--He is my son, William D. Williamson.  
 Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.  
 Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.  
 Q And what is that ancestor's name? A That comes through me.  
 Q Do they all claim their Choctaw blood through you? A Yes.  
 Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.  
 Q You are living in Texas now? A Yes.  
 Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born in the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? A (By Attorney; was it before the war) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

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- Q Do you know whether Elizabeth Smith or Elizabeth Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? ---- What was their names please? --Their names or mine?
- Q No, their.-- Give me the names of your brother's and sisters? A John? Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you got Rhoda Blakley.
- Q Now the next after Rhoda? A Russell, Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Harrington being called as a witness, testified as follows, being first duly sworn:

- Q What is your name? A Harrington H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the War broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A No. In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.



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- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Foraythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence E. Boyd, William F. Walker, Nora B. Hilley, and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are all related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was the given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and greatgrandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if she did or not but they was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

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- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Do you remember where Elizabeth Blakley died? A Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.  
Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*  
Notary Public.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2859

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Albert Edward Boyd,  
Board, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158



William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3868
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats , 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenic Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Bentrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY.

M.C.R. 2859.

Muskogee, Indian Territory, July 13, 1903.

Albert Edward Boyd,  
Board, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

MCR 2659

Muskogee, Indian Territory, December 6, 1906.

Albert Edward Boyd,  
Board, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

No.

2859

For Identification as a Mississippi Choctaw.

Date JUL 8- 1901

Name

Albert Edward Boyd

Age

29

Blood

1/16

Post Office,

Board, Texas

Father:

Robert Boyd (dead)

Mother:

Temple McAllister

Claims through

mother

wife:

Melissa Boyd

(no claim for her)

Wife

applied for herself

See

M. C. 1485

Children:

Claims for self alone

Stenographer

Henry G. Haines

*M.C.H. 2857*

*Albert Edward Boyd*

DECISION RENDERED. JAN 23 1903

*M.C.H. 2857*

FORWARD A COPY TO APPLICANT.

RECEIVED BY THE APPLICANT  
FOR THE PURPOSE OF THE APPLICANT  
AND CHIEF CLERK OF THE COURT.

*M.C.H. 2857*

REFER TO M.C.H. 2857

Choctaw MCR 2860

James Lloyd

MCR 2860



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application for the identification  
of James Lloyd, as a Mississippi Choctaw H - C - R - 2860.

List of papers forwarded to Secretary of the Interior  
comprising record in above entitled case.

Original application of Lela Brown to the Dawes Commission for the identification for her minor child James Lloyd as a Mississippi Choctaw.....	1
Testimony of Daniel Fisher.....	3
Testimony of Alex Page.....	4
Re-examination of Daniel Fisher.....	5
Testimony of Charley Sturdevant.....	6
Decision of the Commission refusing the application for the identification of James Lloyd as a Mississippi Choctaw.....	8

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Lela Brown for the identification of her minor son, James Lloyd, as a Mississippi Choctaw.

Lela Brown, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lela Brown.
- Q What is your age? A About thirty five. Or thirty nine; I made a mistake.
- Q What is your post office address? A Kipling, Mississippi.
- Q Do you make application for your son, James Lloyd? A Yes sir.
- Q You make no claim for yourself? A No sir.
- Q You are the mother of this child? A Yes sir.
- Q What is his father's name? A James Lloyd.
- Q Is he living? A I reckon he is; he went off to the bottom.
- Q What is his blood? A Indian.
- Q Full blood Indian, or only part? A His mother was a full blood Indian.
- Q And his father was negro? A Yes sir.; I think his father was an Indian too.
- Q How much do you claim for the father of this boy? A I 'll have to call witness for that; he was about a half.
- Q If you can tell how much Indian blood this boy's father had, you must do so, and if you can't say so; you must not guess at it?
- A No sir, I don't know exactly how much.
- Q How much Choctaw blood do you claim for your son, James Lloyd?
- A  $1/8$  I reckon.
- Q You don't know whether it is an  $1/8$  or a  $1/4$  do you? A I don't know exactly, but that's what my witnesses said.
- Q You guess about  $1/8$  do you? A Yes sir.
- Q What was the rest of his blood? A Negro.
- Q Was James Lloyd, his father, a slave before the war? A No sir.
- Q Was he living? A No sir.
- Q Were his parents slaves before the war, do you know? A Yes sir.
- Q And you are the mother of this child? A Yes sir.
- Q And your name is Lela Brown? A Yes sir.
- Q How is it your name is Lela Brown, and his name is Lloyd? A I married since he left.
- Q Did he get a divorce? A No sir, but I did.
- Q And you afterwards married a Mr. Brown? A Yes sir.
- Q You don't claim any Choctaw blood for yourself? A Mine is so situated I don't try to hunt it up.
- Q Has your son James Lloyd's father, through whom you claim the right to identification as a Mississippi Choctaw for your son, James, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Have you any other children you want to make application for?
- A Yes sir, there is a grown here; he come in for himself.
- Q How old is your son, James? A He is twelve years old.

James Lloyd, #2.

Q Is your son's name on any of the tribal rolls of the Choctaw Nation, in Indian Territory? A I don't know sir.

Q When and where were you married to James Lloyd, your husband?

A Its been about 13 years ago.

Q Were you married under a license by an ordained minister? A Yes sir.

Q Have you your marriage license and certificate with you? A Yes sir.

Q Have you got it with you? A No sir.

Q You don't care to give it to me now in evidence? A No sir.

Q Have you ever made any application to the Choctaw tribal authorities in Indian Territory for the enrollment of your son, James, as a member of the Choctaw tribe of Indians? A No sir.

Q Did you, or any one for your son, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship for your son in the Choctaw Nation? A No sir.

Q Has your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States for the admission or enrollment of your son in the Choctaw Nation? A No sir.

Q Is this the first application you ever made of any kind? A Yes sir.

Q Is it now your purpose to make application for the identification of your son, James Lloyd, as a Mississippi Choctaw? A Yes sir.

Q Do you claim for him as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Q Has the father of your son, James Lloyd, or his ancestors, ever received any benefits as Choctaw Indians; that is, land or money from the Government? A No sir.

Q Can you give me the name or names of any of your husband's ancestors who were recognized members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A No sir.

Q Have you any evidence that your husband's ancestors were recognized members of the Choctaw tribe of Indians? A No sir.

Q Did any of his ancestors, if Choctaw Indians, go from the old Choctaw Nation in Mississippi and Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir.

Q Did any of your husband's ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent living in Mississippi, Colonel Ward, that they intended to stay in Mississippi and become citizens of the United States? A No sir, I don't know about that.

Q Did any of your husband's ancestors ever claim or receive any land in Mississippi from the Government under article 14 of the treaty of 1830? A No sir.

Q Can your son speak Choctaw? A No sir. He has never been amongst them.

Q Are there any additional statements you want to make in support of this application? A No sir.

James Lloyd, #3.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your son's ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A No sir.

A.W.Trotter, attorney for applicant, asks leave to file documentary evidence in support of this application within a period of thirty days from this date.

Permission is granted to the attorney for this applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(Applicant excused.)

Daniel Fisher, having been first called and duly sworn as a witness in this cause, testified in behalf of the applicant as follows:

Examined by the Commission.

Q What is your name? A Daniel Fisher.  
Q What is your age? A I am forty six, going on forty seven.  
Q What is your post office address? A Kipling, Mississippi.  
Q What is your blood? A I claim to be part Choctaw Indian.  
Q How much Choctaw? A About 1/3, I believe.  
Q Do you know anything about it? A Yes sir.  
Q Do you know Lela Brown? A Yes sir.  
Q Do you know James L. Lloyd, her son? A Yes sir.  
Q What do you know about his having any Choctaw blood? A I will tell you, about as much as I knew, his grand mother before his mother was a whole Indian.  
Q Well, do you mean his mother's mother? A No sir.  
Q Who are you talking about? A Jim Lloyd's mother.  
Q His mother was what? A Her grand mother --  
Q Whose grand mother? James Lloyd's mother you were talking about?  
A I know; I am talking about James Lloyd's mother.  
Q What about it? A I says his grand mother --  
Q Whose grand mother? A Jim Lloyd.  
Q Wait a minute! I don't want to know anything about that now; I want to know if you know anything about James Lloyd's mother?  
A Yes sir.  
Q How much Choctaw blood she had in her, but her mother --  
Q I am asking you about her? A No sir.  
Q Who do you want to talk about; go on? A I wasn't talking --  
I was going on to talk about his grand mother.  
Q Whose grand mother? A James Lloyd's grand mother.  
Q On his father's side, or mother's side? A On his mother's side.

James Lloyd #4.

- Q Go ahead? A She was a whole Indian.  
Q How do you know it? A I know it by her testimony.  
Q Whose testimony? A Hers.  
Q Whose? A His grand mother's.  
Q Did you know James Lloyd's grand mother? A Yes sir.  
Q How old are you? A Forty six.  
Q How old is James Lloyd? A I couldn't tell you exactly how old he was.  
Q When was it you had a talk with James Lloyd's grand mother?  
A Its been about two years ago.  
Q How old a woman is she? A She was sixty three years old when she stayed with us.  
Q Do you know just how old she was? A Yes sir.  
Q How do you happen to know her exact age? A Her mother's given it to us before she died.  
Q And she was a full blood Choctaw Indian? A Yes sir.  
Q You say so because she told you so? A Yes sir.  
Q Do you know it in any other way? A No sir.  
Q She was a slave wasn't she? A Not as I knows of.  
Q You don't know whether she was a slave or not? A No sir.  
Q You knew her pretty well; why didn't you know that? A I knew her well for she come to live with us.  
Q And you don't know she was a slave? A No sir.  
Q Do you know her daughter was a slave? A Yes sir.  
Q Do you know that James Lloyd was a slave? A No sir.  
Q He was not a slave? A No sir.  
Q How did it happen that her daughter was a slave? A Well, it come in, I reckon -- I couldn't tell anything about that; I knowed she wasn't a slave because my father's -- she was made my father's wife, and I heard her talking about it.  
Q What relation or kind are you to James Lloyd? A My daddy married his mother.  
Q A little while ago you testified that this grand mother's mother told you something about her bleed; what did you mean by that?  
A You were talking about this woman.  
Q Did you mean someone else? A No sir, I reckon not.  
Q What was her name? A Susan White.  
Q That was the name of James Lloyd's grand mother? A Yes sir.  
Q And you don't know whether she was a slave or not? A No sir.  
Q But you do know that her daughter was? A I knew from what she said.  
Q Were any other members of the family slaves? A I don't know.

Examined by A.W.Trotter.

- Q Did James Lloyd get any blood on his father's side? A Not that I knows of.

(Witness excused.)

Alex Page, having been first called and duly sworn as a witness in this cause, upon his oath testified in behalf of the applicant as follows:

Examination by the Commission.

James Lloyd #5.

Q Q What is your name? A Alex Page.  
Q What is your age? A Thirty six.  
Q What is your post office address? A Sucarnoochoe, Mississippi  
Q Do you know this applicant, Lela Brown? A Yes sir.  
Q Is she a relation of yours? A No sir.  
Q Do you know anything about her son, James Lloyd, for whom she makes application for identification as a Mississippi Choctaw?  
A Yes sir.  
Q What do you know about his having Choctaw Indian blood? A Well, by his father and his father's mother.  
Q Was she a half Indian? His father's mother? A Yes sir.  
Q How much Choctaw blood did James Lloyd have? A Well, I don't know how much he had; yhis mother was a half Indian.  
Q How do you know? A Because I have seen her; and heard my mother state she was; her mother was an Indian.  
Q Was her mother a slave? A No sir, she was never a slave.  
Q Were any of her children slaves? A No sir.  
Q This witness testified that her daughter was a slave? A She wasn't a slave; his father was a slave; but she wasn't a slave, and he didn't marry her until after slavery; I know he didn't.  
Q How do you know she was a half Choctaw Indian except what she told you? A Her mother said so.  
Q Well, except what her mother said? A Well, they all say so. They had all the features there to show.  
Q Give me your idea whether this boy looks like a Choctaw Indian? A Yes sir; he has some of the features.  
Q Where? A It commences from his faith face.  
Q Where? A His skin shows his features; his cheeks sorter imitates an Indian.  
Q Does he imitate an Indian in his hair? A No sir.  
Q His hair would be pretty kinky if it had a chance? A Yes sir.  
Q He has wide nostrils has he? A Yes sir.  
Q He has got high cheek bones has he? A No sir.  
Q He has very thick lips hasn't he? A Yes sir.  
Q Pretty thick? A Tolerably thick. They may be swollen.  
QQ Don't he look more like a negro boy than an Indian boy? A Yes sir; he has got a portion of it. He is a mixed race and has to carry it.  
Q Don't you see more negro in him than Indian? A Its about half; what I mean he has got the proportion in his skin.  
Q You have seen negroes look that way? A Yes sir.  
Q Is there anything about that boy that looks to you like an Indian? A He has got the preportion in his skin.  
Q Has he got any other features, except the color of his skin, that look like an Indian? A I am not a good judge over the Indian.  
Q You can see no more? A No sir.  
Q Haven't you seen negroes who had no Indian blood at all with just that color of skin? A I have seen some.

(Witness excused.)

Daniel Fisher, having been recalled as a witness in this cause testified as follows:



James Lloyd, #6.

Examination by the Commission.

Q Look at this boy and tell me if he looks like an Indian. Now remember you are under oath? A I don't know sir, much about - I see, though, about from his face down.  
Q His face down where? A His cheeks.  
Q What about him looks like an Indian to you? A Yes sir, his complexion.  
Q Is that all; can you see any other features except complexion? A No sir, only his nose is a little sorter broad.  
Q Its very broad, isn't it? A Yes sir.  
Q How about his lips? A No sir, they aint thin much.  
Q They are pretty thick aren't they? A Yes sir.  
Q Now, if you think his color is the color of an Indian, isn't it much lighter than your own complexion? A Yes sir.  
Q If his skin indicates the Indian, does your indicate the negro? Or, in other words, can you tell from the color of a man's face whether he is an Indian or not? A No sir, I couldn't tell about that.  
Q Therefore, you can't tell from the color of his face whether he is an Indian? A No sir.

Examined by A.W.Trotter?

Q Can you say from the color of his skin that he is - would you take him to be a full blood negro? A No sir.  
Q What is the color of a full blood negro's skin? A Dark.  
By Commission:  
Are you testifying as an expert on the strains of Indian blood?  
By Trotter:  
I will put him on as an expert.

Q What is the color of a full blood negro's skin? A There are different colors.  
Q Full blood? A Some are right black and some are of a ginger color.  
Q Are these of a ginger color called full bloods are sorter mixed?  
A I don't know about that.  
Q Can you tell from the color of his skin whether he is a full blood or not a full blood? A No sir, I can't tell that.  
Q Whether he is a full blood or not a full blood? A No sir.

(Witness excused.)

Charley Sturdevant, having been first called and duly sworn as a witness in this cause, testified as follows: (Isham Johnston, official interpreter.)

Examined by the Commission.

Q What is your name? A Charley Sturdevant.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q Where do you live Charley? A Newton County.  
Q In Mississippi? A Yes sir.  
Q Now, Charley, I would like to have you look at this boy, and tell me if you think he looks like a negro boy or an Indian boy, or if he has any traces of Indian blood in him from his appearance?  
A Well, I don't know; I guess so, he is Indian.  
Q All Indian? A I guess so.  
Q I don't want you to guess at all. Do you think he looks like an Indian or a colored boy? A I think he is not all Indian that's

James Lloyd, #7.

Q All I can tell.

Q Do you think he is all negro? A Yes sir.

Q You say you think he is all negro? A That's what I think.

Q You understand me, Charley, I asked you if you thought he was negro; do you mean that; now understand what I say? A Yes sir.

Q

The official interpreter, Isham Johnston, is here called and interprets the remainder of the testimony of this applicant.

Q Do you think this ~~negro~~ boy is all negro? A Negro.

Q All negro? A Yes sir.

Q Do you think there is any Indian blood in him? A Don't know much about it.

Examined by A.W. Trotter.

Q Did we understand you to say he had part Indian blood from his appearance; what about the color of his skin; does the color of this boy's skin show any Indian? A No.

(Witness excused.)

(This applicant, James Lloyd, for whom application was made, appeared before the Commission in person, and from his appearance and physical characteristics, it would seem that he was a full blood negro, with black curly hair, broad thick nose and very thick lips; he has no knowledge of the Choctaw language; his complexion is a chocolate color and there are no evidences of Choctaw blood in his physical appearance.)

The decision of the Commission as to the application you make for the identification of your son, James Lloyd, as a Mississippi Choctaw, will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*  
*[Signature]*  
Notary Public.



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application for the identification  
of James Lloyd as a Mississippi Choctaw, M C R 2860.

--- DECISION : ---

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
by Lela Brown, for her minor child, James Lloyd, under the follow-  
ing provision of the act of Congress of June 28, 1898 (30 Stats.,  
495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior".

It also appears that said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, by reason of being a

descendant of one Susan White, who is alleged to have been a full blood Choctaw Indian, and James Lloyd Sr., who is alleged to have been a Choctaw Indian, degree of blood not given.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susan White, or James Lloyd Sr., or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Lloyd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 2 1902

M.C.R. 2860.

COPY.

Muskogee, Indian Territory, December 2, 1902.

James Lloyd,

Kipling, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Lloyd, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Lloyd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

-:- 2-6:-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *James Bixby.*  
Acting Chairman.

Registered.

COPY.

M.C.R. 2860.

Muskogee, Indian Territory, December 2, 1902.

A. W. Trotter,

Attorney at Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Lloyd, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 485), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Lloyd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

-:- :-:-

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED *James Bixby.*  
Acting Chairman.

Registered.



COPY.

M.C.R. 2800.

Muskogee, Indian Territory, December 2, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James Lloyd, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Lloyd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[SIGN]

*Tame Bixby.*

Acting Chairman.

copy  
Muskegee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James Lloyd, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 2, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

*James E. Dwyer*

Acting Chairman.

Enc. M.C.R. 2860

D.C.17217-1903.  
ITD.4728-1903.  
IRS.

(Copy)

WCF.  
EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 18, 1902, you transmitted the record in the matter of the application for identification of James Lloyd as a Mississippi Choctaw, including your decision of December 2, 1902, refusing the application.

The applicant claims rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendant of Susan White, through James Lloyd, father of the principal applicant, it being alleged that Susan White was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi or Alabama in 1830.

Neither the record evidence nor the records of the Indian Office show that Susan White or James Lloyd complied or attempted to comply with article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting May 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,  
(signed) THOS. RYAN,  
Acting Secretary.

1:inclosure

Land  
75531-1902.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, May 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Lela Brown for her minor child, James Lloyd, for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicant bases his claim to identification on his descent from Susan White, through his father James Lloyd, it being claimed that Susan White was a citizen of the Choctaw Nation and a resident in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicant because the name of the ancestor through whom he claims does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that he has never been enrolled as a

citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Susan White and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that she applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

It is, therefore respectfully recommended that the decision of the Commission rejecting the applicant, be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

C.T.C.

M. C. R. 2860.

Muskogee, Indian Territory, July 15, 1903.

James Lloyd,  
Care Lola Brown,  
Kipling, Mississippi.

Dear Sir:-

You are hereby notified that on the 10th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of James Lloyd, of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles*

Commissioner in Charge.

M. C. R. 2860.

Muskogee, Indian Territory, July 15, 1903.

Mansfield Kogurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 10th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of James Lloyd, of which decision you were advised by mail on the 2nd day of December, 1902.

Respectfully,

(SIGNATURE)

*I. B. Needles*

Commissioner in Charge.



M. C. R. 2860.

COPY.

Muskogee, Indian Territory, July 16, 1903 .

J. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:-

You are hereby notified that on the 10th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Cheetaw of James Lloyd, of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

#1072

No

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name *Lela Brown, (negro)*  
*appears for child, James L. Lloyd.*  
Age *39-* Blood *1/8 (for boy)*

Post Office, *Kipling, Miss.*

*boy's*  
Father: *James L. Lloyd, l.*

Mother: *Lela Brown, l.*

*for son*  
Claims through *father* —

*Child (James L. Lloyd) 12*

~~CHILD~~

*Mother claims for  
her son.*

Stenographer

*R. S. Streit*

James Lloyd  
R. 28.66

DEC 5. 1902.

Choctaw MCR 2861

James W. Page

MCR 2861

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of James W. Page for  
the identification of himself and nine children as Mississippi  
Choctaws.

James W. Page, having been first duly sworn, upon his oath  
testified, as follows:

Examination by the Commission.

- Q What is your name? A James W. Page.  
Q What is your age? A About forty four last March.  
Q What is your post office address? A Raleigh, Mississippi.  
Q How long have you lived at Raleigh? A Well, I have been there -  
around about there - I don't know exactly how long.  
Q Give me the best idea? A Twenty five years, I guess.  
Q Where did you live before you lived in Raleigh? A I was born and  
raised in Jasper County, Mississippi.  
Q Have you always lived in the State of Mississippi? A Yes sir.  
Q What is your father's name? A Charley Page.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Her name was Caroline.  
Q Is she living? A Yes sir; she was the last account I had of  
her.  
Q Through which one of these parents do you claim Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A He claims half, I reckon  
I would be a quarter.  
Q Has your father, through whom you claim your right to be identi-  
fied as a Mississippi Choctaw, ever been recognized in any manner  
or enrolled as a member of the Choctaw tribe of Indians by the  
Choctaw tribal authorities or the United States authorities? A No  
sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Frances.  
Q Is she a colored woman? A Yes sir; she is about half white.  
Q Do you make any claim for her? A No sir.  
Q Was your father a slave before the war? A Yes sir.  
Q Was your mother? A Yes sir.  
Q Were you? A Yes sir.  
Q What was your mother's blood? A Well, she was negro.  
Q And your father's blood, aside from his Choctaw blood, was negro  
was it? A I don't know sir.  
Q Well, you ought to know? A Negro, I reckon.  
Q Was Charley Page, and Caroline, your mother, married? A Yes  
sir.  
Q Under license? A I don't know about that.  
Q They were married during the slavery times? A Yes sir.  
Q Were they married by a minister do you think? A Well, yes; I  
suppose so; he has always told me so.  
Q Give me the names of your children under twenty one years of  
age and unmarried? A Well, let me see - I have one girl -  
Caldonia A. 18.  
Q What is the name of the next? A Maxey.  
Q How old is Maxey? A 18.

James W. Page, et al., #8.

The next? A Ethie.

Q Girl? A Yes sir.

Q How old? A She is about 14.

Q The next? A Roderick.

Q Boy? A Yes sir.

Q How old? A Roderick is about ten years old.

Q The next? A Milliard.

Q How old is Milliard? A Milliard is about eight.

Q The next? A The next is Viley.

Q A girl? A Yes sir.

Q How old is Viley? A I expect I have got Viley and Millard mixed she is between six and seven somewhere along there.

Q What is the name of the next? A Octavia.

Q How old? A She is between four and five.

Q The next? A The next is Maud.

Q How old is Maud? A Maud is about three years old, somewhere between two and three.

Q What is the name of the next? A The name of the next is Frances L., the baby.

Q Girl? A Yes sir.

Q How old? A Two years old.

Q Is your wife, Frances, the mother of these children? A Yes sir.

Q Are you the father? A Yes sir, I suppose so; she said so.

Q Are these children living with you at your home? A Yes sir.

Q Were you married to your wife under a license? A Yes sir.

Q And by an ordained minister? A Yes sir.

Q Have you your marriage license and certificate with you? A No sir. The records of the county were burned in 1892.

Q Can you remember the day when you were married to your wife, Frances? A Yes sir, it was in 1878, the 14th day of February.

Q Where were you married? A In Smith County.

Q Have you any evidence here with you you would like to produce proving this marriage to your wife? A My father knows it.

Q Was he present at the marriage? A Yes sir. I don't know whether he would recollect the dates or not.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for yourself or children to the Choctaw tribal authorities in Indian Territory to be enrolled as members of the Choctaw tribe of Indians? A No sir.

Q Did you or any one for you, or for your children, in 1896 make application to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever before this time made application to the Choctaw tribal authorities or to the United States authorities for yourself or children for membership in the Choctaw Nation? A No sir.

Q Is this the first application of any kind that you have made? A Yes sir.

Q You now make application for the identification of yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim this right for yourself and children as beneficiaries under article fourteen of the treaty of 1830? A Yes sir.

James W. Page, et al., #3.

Q Have you or your ancestors ever received any benefits from the Government as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and who lived in the old Choctaw Nation in Mississippi and Alabama at that time when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A No sir.

Q Can you tell me the name of your father's father or mother?

A No sir; I have heard him call his father's name Bill Nubbee.

Q What was his blood? A It was Indian.

Q How do you know it was Indian? A Only what I have heard my father say.

Q Did you ever see him yourself? A No sir.

Q Did you ever hear from anyone else that Bill Nubbee was an Indian? A Yes sir, I have heard them there say - I don't know exactly.

Q Can you give me the names of anybody that you heard say Bill Nubbee was a full blood Indian? A I have heard it stated that my father's father was an Indian.

Q What did they say about your father? A Said he was half Indian.

Q Have you any other evidence, documentary evidence, or otherwise, except what you get in family tradition and history that your father's father was a Choctaw Indian? A No sir, I have no other evidence that I know of.

Q Did Bill Nubbee, or any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama into the Indian Territory with the other Indian between the years 1833 and 1838? A I don't know sir.

Q Did he or any of your Indian ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent in Mississippi, Colonel Ward, and tell him they intended to stay in Mississippi and take land and become citizens of the United States? A No sir, I don't know.

Q Did any of your ancestors, if Choctaw Indians, claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830, that is, did they get it from the United States Government? A I don't know sir.

Q Can you speak the Choctaw language? A I know some of the words; I have heard them speak some of the words.

Q Can you carry on a conversation with a Choctaw Indian? A No sir. Just some few of their words; I don't understand the language; just some few of the words I have heard them speak.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were, in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians in 1830, or that any of them ever complied or attempted to comply with the provisions of the twenty-fourth article of that treaty, or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce documentary evidence? A Yes sir.



James W. Page, et al., #4.

Thirty days from the date hereof is allowed this applicant in which to file any proper documentary evidence in support of this application.

(This applicant has the appearance of one descended from negro ancestry; he does not show traces of Choctaw blood, has no knowledge of the Choctaw language. His father, Charley Page, who appeared on this date before the Commission for identification as a Mississippi Choctaw, and who claimed to be one half Choctaw, shows traces of Indian blood; this applicant's mother is a negro woman, and this applicant does not show the evidence of Choctaw blood like his father. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of the 13th article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and nine minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*

*[Signature]*  
Notary Public.

COPY

M.C.R. 2861

Muskogee, Indian Territory, December 29, 1902.

James W. Page,

Raleigh, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nick Tullon, et al., embracing the following applications for identification as Mississippi Choctaws:

Nick Tullon, et al.,	M.C.R. 3072
General Tullon, et al.,	M.C.R. 3073
Emma R.L. Jackson, et al.,	M.C.R. 3076
Topsy Harris, et al.,	M.C.R. 3074
Harriet B. Mannel,	M.C.R. 3075
Charley Page, et al.,	M.C.R. 2862
James W. Page, et al.,	M.C.R. 2861
Van Page,	M.C.R. 3118
James Page, et al.,	M.C.R. 3119

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

-2-

Wick Tullos, Ella Tullos, General Tullos, Bertha Tullos, Charley Tullos, Ida Tullos, George Tullos, Emma R. L. Jackson, Cleveland Jackson, Riley Jackson, Emma Jackson, Charley Jackson, Topsy Harris, Douglas Harris, Annie Harris, Harriet B. Manuel, Charley Page, Levi Q. Page, Mamie Page, Eva Page, James W. Page, Galdonia A. Page, Maxey Page (1), Ethie Page, Roderick Page, Viley Page, Milliard Page, Octavia Page, Maud Page, Frances L. Page, Van Page, James Page, Maxey Page (2), Dollie Page and Melvin Page as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*John James Dixie*

Acting Chairman.

Registered.

M.C.R. 2861

COPY.

Muskogee, Indian Territory, April 2, 1903.

James W. Page,  
Raleigh, Mississippi.

Dear sir:

You are hereby notified that on the 25th day of March, 1903,  
the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nick Tullos, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

REFUSED

R. 2861

*James H. Page et al*

DECISION RENDERED. DEC 29 1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 29 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 29 1902

RECORD FORWARDED DEPARTMENT.

JAN 14 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 2 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 2 1903

REFER TO M. C. R. 3072.

#1073

No

# For Identification as a Mississippi Choctaw.

Date

JUL 5 1901

Name *James W. Page*

Age *44* Blood *1/4*

Post Office. *Raleigh, Miss.*

Father: *Charley Page* <sup>*negro & chro.*</sup>

Mother: *Caroline* <sup>*negro, slave*</sup>

Claims through *father*  
*wife*

*Frances* <sup>*1/2 negro white*</sup>

*No claim for her*

Children: *Caldonia A.* 18  
*Mary (br)* 16  
*Ethie (gr)* 14  
*Roderick (br)* 10  
*Millard* 8  
*(MILLARD)*  
*Viley (gr)* 6  
*Octavia (gr)* 4  
*Maud* 3  
*Frances L.* 2

*Claims for self &  
children*

Stenographer *R. J. Thurt*

Choctaw MCR 2862

Charley Page

MCR 2862



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Charley Page, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of -

Charley Page, et al.,	M. C. R. 2862
James W. Page, et al.,	M. C. R. 2861
Van Page,	M. C. R. 3118
James Page, et al.,	M. C. R. 3119

-----0-----

List of papers forwarded to the Secretary of the Interior,  
embracing the record in the consolidated case of Charley Page,  
et al.

-----0-----

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Charley Page for the identification of himself and three minor children as Mississippi Choctaws.

Charley Page, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charley Page.  
Q What is your age? A I couldn't tell you exactly -- between sixty five and seventy.  
Q About sixty five you think? A Its something over that - near seventy.  
Q What is your post office address? A Raleigh, Mississippi.  
Q How long have you lived at Raleigh? A I have been living there about thirty five years.  
Q Where did you live before that? A A portion of the time I lived in the county called Jasper County, near Paulding.  
Q Have you lived in Mississippi always? A Yes sir, I have always.  
Q Were you born in Mississippi? A I reckon I was - I was born in Pike County; I reckon its in Mississippi; I don't know, but I reckon it is.  
Q And have you always lived in the State of Mississippi? A Yes sir.  
Q What is your father's name? A Bill Nubbee.  
Q Is he living or dead? A He was living the last account I heard of him at the surrender.  
Q So far as you know he is living? A Yes sir.  
Q What is your mother's name? A Hagler.  
Q Full name? A That's all I know; just Hagler.  
Q Is she living? A She was the last account I heard of her at the surrender.  
Q Through which one of these parents do you claim Choctaw blood?  
A Through my father's side.  
Q How much Choctaw blood do you claim? A Half.  
Q What was your father's blood? A He was Choctaw Indian.  
Q Full blood? A Yes sir.  
Q Was he a slave before the war? A Which, my father?  
Q Yes? A No sir; he wasn't a slave.  
Q What was your mother's blood? A Black woman. Negro.  
Q Was she a slave before the war? A Yes sir.  
Q Were you a slave before the war? A Yes sir.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Elizabeth.  
Q What is her blood? A Negro.  
Q Was she a slave before the war? A She was born since the surrender.

Charley Page, et al., #,

Q Do you make any claim for her? A No sir.  
Q You gave your mother's name as Hagler; is that all the name you can remember? A Yes sir.  
Q Where did she get this name of Hagler? Was that the name of her master? A No sir, that was her own name. The white people she belonged to were named Thompson.  
Q Would it be Hagler Thompson? A I don't know sir, I reckon.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.  
Q Give me the name of the oldest child? A Levi Q.  
Q How old is he? A He about 16 years old.  
Q The next? A Mamie.  
Q How old is Mamie? A She is about 13.  
Q The next one? A The next one is Eva.  
Q How old is Eva? A She is about going on 12 years old.  
Q Is that all you have under twenty one years of age? A That all that is living with me.  
Q Is Elizabeth the mother of these children? A No sir.  
Q Who is the mother of these children? A Her name was Rose.  
Q Was she negro woman? A Yes sir.  
Q Is she dead? A Yes sir.  
Q Is she your first wife? A No sir, second.  
Q This is your third one then? A Yes sir.  
Q Were you married to Rose Page by an ordained minister under a license? A Yes sir.  
Q When and where were you married to her? A At Raleigh, M  
Q When? A Its been about thirty years ago.  
Q Have you your marriage license and certificate with you? A No sir.

Q

Attorney for applicant states that the court house was destroyed in 1892, and the records burned.

Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of that tribe? A No sir.  
Q Did you ever, or did any one for you, or your children, in 1896, under the Act of Congress of June 10, 1896, make application for yourself or children to the Dawes Commission for citizenship in the Choctaw Nation? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this time for yourself or children for enrollment or membership in the Choctaw Nation to either the Choctaw tribal authorities or to the United States authorities? A No sir.  
Q Is this the first application of any kind you have made? A Yes sir.  
Q Do you now make application for identification as Mississippi Choctaws for yourself and Children? A Yes sir.  
Q Do you make this claim as beneficiaries under the Fourteenth article of the treaty of 1830? A Yes sir.

Q

Charley Page, et al., #3.

Q Have you or your ancestors ever received any benefits such as land or money as Choctaw Indians? A No sir.

Q Can you give me the name or names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and who lived in the old Choctaw Nation in Mississippi and Alabama at that time, when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians?

A No sir.

Q You claim through your father? A Yes sir.

Q That is, you claim through Bill Nubbee? A No sir, I was quite a little kid.

Q What evidence have you that Bill Nubbee was a full blood Choctaw Indian? A I was always told so.

Q Who told you? A By my mother, and the white that knew me.

Q Do you know how it was that your mother, who was a negro and slave, had for a husband a full blood Choctaw Indian, a free man?

A Yes sir.

Q How was that? A He was hunting and got in there, and they married.

Q He remained free? A Yes sir.

Q Did he work for this man afterwards? A Yes sir; sometime he did.

Q Do you know that he did? A Yes sir.

Q Did you see him? A Yes sir.

Q How did he look? A Sorter like that man there.

Q Describe how an Indian man looks, and how your father looked?

Now about his hair, was it coal black and very straight and coarse?

A Yes sir.

Q Did he have thick lips? A Yes sir.

Q Did he have high cheek bones? A Yes sir, very.

Q Did he have wide nostrils or thin? A I don't remember.

Q What was his color? A Red.

Q Was it black? A No sir.

Q Did he have any hair on his face? A Very little.

Q Was that curly? A No sir, straight and very black.

Q Did he speak the Choctaw language? A Yes sir, all the time.

Q Can you? A No sir, I was brought up a slave, and has talked as

Q Did your father or any of your ancestors ~~saxkzekem~~ if Choctaw Indians remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I can recollect of.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent of the Choctaw Indians in Mississippi, Colonel Ward, and tell him that they intended to stay in Mississippi and become citizens of the United States? A No sir. I was young and don't recollect.

Q Did any of your ancestors, if Choctaw Indians, ever receive or claim any land in Mississippi from the United States Government as beneficiaries under article 14 of the treaty of 1830? A No sir, not as I know of.

Q You don't speak the Choctaw language? A No sir.

Q Is there anything further you want to ~~make~~ say in support of this application? A I don't know sir that there is.

Charley Page, et al., #4 .

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the fourteenth article of that treaty of ever received any benefits thereunder? A No sir.

Q Do you want time in which to introduce documentary evidence?  
A Yes sir.

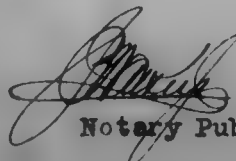
Thirty days time from this date is allowed the applicant in which to file proper documentary evidence in support of this application.

(This applicant has the appearance of one descended from an ancestry of mixed blood, composed of negro and Choctaw blood, in which the negro predominates; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and minor children as Mississippi Choctaws, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of August, 1901.

  
Notary Public.



M.C.R. 2862

COPY

Muskogee, Indian Territory, December 29, 1902

Charley Page,

Raleigh, Mississippi

Dear Sir:

You are hereby advised that on the 29th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nick Tullos, et al., embracing the following applications for identification as Mississippi Choctaws:

Nick Tullos, et al.,	M.C.R. 3072
General Tullos, et al.,	M.C.R. 3073
Emma R.L. Jackson, et al.,	M.C.R. 3076
Topsy Harris, et al.,	M.C.R. 3074
Harriet M. Marshall,	M.C.R. 3075
Charley Page, et al.,	M.C.R. 2862
James W. Page, et al.,	M.C.R. 2861
Van Page,	M.C.R. 3118
James Page, et al.,	M.C.R. 3119

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nick Tullos, Emma Tullos, General Tullos, Bertha Tullos,



Charley Tullos, Ida Tullos, George Tullos, Emma R.L. Jackson, Cleveland Jackson, Riley Jackson, Emma Jackson, Charley Jackson, Topsy Harris, Douglas Harris, Annie Harris, Harriet B. Manuel, Charley Page, Levi Q. Page, Mamie Page, Eva Page, James W. Page, Caldonia A. Page, Maxey Page (1) Ethie Page, Roderick Page, Viley Page, Willard Page, Octavia Page, Maud Page, Frances L. Page, Van Page, James Page, Maxey Page (2), Dollie Page and Melvin Page, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tam: 10/1/19

Acting Chairman

Registered.

M C R 2862

Muskogee, Indian Territory, January 8, 1903.

William H. Hughes,  
Attorney at Law,  
Raleigh, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask to be advised the present status of the Mississippi Choctaw cases of Charley and James W. Page.

In reply to your letter you are informed that the Commission, on December 29, 1902, rendered its decision refusing their applications for identification as Mississippi Choctaws and on the same date they were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case will expire on January 13, 1903, and on January 14, 1903, the record in this case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

Respectfully,

COMMISSIONER IN CHARGE.  
Acting Chairman.

M.C.R. 2862

COPY.

Muskogee, Indian Territory, April 2, 1903.

Charley Page,

Raleigh, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Nick Tullos, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

(SIGNED)

Wm. B. Bixby

Chairman.

MISSISSIPPI CHOCTAW 286

Charley Page, et al

REFUSED

DECISION RENDERED. DEC 29 1902

NOTICE OF DECISION MAILED APPLICANT.

DEC 29 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 29 1902

RECORD FORWARDED DEPARTMENT.

JAN 14 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 2 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 2 1903

REFER TO M. C. R. 307

#1074

No

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name Charley Page

Age 70 Blood  $\frac{1}{2}$

Post Office, Raleigh, Miss.

Father: Bill Subber, <sup>full b. l.</sup>

Mother: Wagter, (negro) <sup>Slave</sup>

Claims through father  
wife

Elizabeth - negro.

No claim for wife.

Children: Levi L. (boy)	}	16
Mamie		13
Esa -		12

Rose Page, negro. (d)  
is the mother of these  
children.

Claims for self &  
children -

Stenographer R. J. Street.

Choctaw MCR 2863

Luella McGowan

MCR 2863

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Luella McGowan for  
identification as a Mississippi Choctaw, M C R 2863.

List of papers forwarded to the Secretary of Interior  
comprising record in above entitled case.

Original application of Luella McGowan  
to the Dawes Commission for identi-  
fication as a Mississippi Choctaw..... 1

Decision of the Commission refusing the  
application of Luella McGowan for iden-  
tification as a Mississippi Choctaw..... 3

---

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Luella McGowan for  
identification as a Mississippi Choctaw.

Luella McGowan, having been first duly sworn, upon her  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Luella McGowan.  
Q What is your age? A Nineteen.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A About two years.  
Q Where did you live before you moved to Meridian? A Clark County,  
Mississippi.  
Q How long did you live there? A Lived there from a child; I was  
raised in Clark County.  
Q What was your father's name? A Kit McGowan.  
Q Is he living? A No sir.  
Q What is your mother's name? A Louisa McGowan.  
Q Is she living? A No sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A He was whole Choctaw In-  
dian.  
Q How do you know? A He said he was.  
Q Did he look like it? A Yes sir.  
Q Do you know anything more about it than what he said? A Some  
times he spoke Indian language.  
Q Can you speak the Indian language? A No sir, not quite. Kinder.  
Q Can you speak it at all? A No sir, I can't speak it. ~~Kinder~~.  
Q What made you say you kinder spoke it when you couldn't speak  
it at all? A No sir.  
Q Was your father a slave before the war? A Yes sir.  
Q How much Choctaw blood do you claim? A I claim half.  
Q Was your mother a slave before the war? A Yes sir.  
Q Was your father's other blood negro? A No sir.  
Q What was it? A Indian blood.  
Q Do you claim he was all Indian? A Yes sir.  
Q And a slave? A Yes sir.  
Q How do you explain that? A He said he was a slave.  
Q How do you explain that he was an Indian and a slave? A He said  
he was; that's all I know.  
Q You believe he was a slave? A Yes sir.  
Q Because he said so? A Yes sir.  
Q And you believe he was a Choctaw because he said so? A Yes sir.  
Q Don't you think it a little strange that an Indian should be a  
slave? A No - no sir.  
Q Don't you think you had some white blood in your ancestry? A none  
that I knows of.  
Q Has your father, through whom you claim your right to identifica-  
tion as a Mississippi Choctaw, ever been recognized in any manner or



Luella McGowan #2.

enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities, in Indian Territory? A No sir.

Q Are you married? A No sir.

Q You make application for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you, or any one for you, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q Did you ever make application before this time to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application of any kind you have made? A Yes sir.

Q Do you now make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you make this application for identification as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Q Did you or your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, and who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw tribe of Indians? A I can give you some of the names, but they are not Indians.

Q I don't care about your other ancestors, because they are negroes, but your Indian ancestors? A My father's sister --

Q I mean your father's mother or father's father? A I don't know.

Q You saw your father's sister? A Yes sir.

Q What was her name? A Nancy Lott.

Q Was she a Choctaw Indian? A Yes sir.

Q Was she a slave? A No sir.

Q She wasn't a slave; do you know that? A Yes sir.

Q How do you know she wasn't? A She said she wasn't a slave; said she never was a slave in her life.

Q Do you know any others of your father's family? A Robert McGowan.

Q What was he, a brother? A Yes sir.

Q Was he a slave? A No sir.

Q How do you know he wasn't? A He said he wasn't.

Q And yet your father said he was? A Yes sir.

Q Have you any evidence that these people that you mention, relatives of your father, were full blood Choctaw Indians, except what they told you? A No sir.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Choctaw Indians

Luella McGowan, #3.

between 1833 and 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaws in Mississippi, Colonel Ward, that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi from the United States Government as beneficiaries under article fourteen of the treaty of 1830?

A My father owned some land, but I don't know whether he got it from the Government or not.

Q He bought it? A Yes sir.

Q Do you know that he bought it from somebody? A Yes sir.

Q Do you speak the Choctaw language? A Not Choctaw Indian language.

Q Are there any further statements you want to make now in support of this application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description copies of records, deeds or patents, or any other papers showing that any of your ancestors were, in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the Fourteenth Article of that treaty or ever received any benefits thereunder? A No sir.

Q Do you want time in which to introduce documentary evidence? A

A.W.Trotter, attorney for this applicant, asks permission to file documentary evidence in support of this application within a period of thirty days from the date hereof.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

Q You say you have no white blood at all? A No sir, not any; no sir.

Q Did your mother have any white blood? A No sir.

Q Did your father? A No sir.

Q Did your grand father or grand mother? A I don't know anything about it.

(This applicant has the appearance of a person descended from a mixed ancestry of negro and Choctaw blood; she claims she has no white blood, and if not, her appearance would indicate a mixture of Indian and negro, in which the negro seems to predominate, but the features are not altogether the features of a full blood negro; and her complexion is rather light. She doesn't understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

Luella McGowan, #4.

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw, will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of August, 1901.

*R. S. Streit*  
*[Signature]*  
Notary Public.

*Mr. Cow,*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Luella McGowan for  
identification as a Mississippi Choctaw, M C R 2062.

--- DECISION :---

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commis-  
sion by Luella McGowan for herself, under the following provision  
of the act of Congress approved June 22, 1898 (30 Stats., 425):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior".

It also appears that said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one Kit McGowan, who is alleged to have been a full blood Choctaw Indian.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Kit McGowan, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Paula McGowan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Finby.*

Acting Chairman.

(SIGNED)

*T. D. Hodges.*

Commissioner.

(SIGNED)

*C. F. Brackinridge.*

Commissioner.

Muskogee, Indian Territory.

OCT -7 1902

M C R 2863

Muskogee, Indian Territory, October 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Luella McGowan, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 7, 1902.

The Commission has the honor to report that the applicant, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Smith  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure.



Muskogee, Indian Territory, October 7, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Luella McGowan, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Luella McGowan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."



M McM & C 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED)

*Tommy Dickey.*

Acting Chairman.

COPY.

M O R 2863

Muskogee, Indian Territory, October 7, 1902.

Luella McGowan,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Luella McGowan, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Luella McGowan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this

L MoG 2

date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED).

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 7, 1902.

A. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Luella McGowan, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Luella McGowan as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

A W T 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED).

*Tamo Dixby.*  
Acting Chairman.

Registered.

D. C. 22320-1902.

DEPARTMENT OF THE INTERIOR.  
Washington.

EAF.

ITD. 6953-1902.  
L.R.S.

November 18, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

October 7, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Luella McGowan. She claims rights under article XIV of the treaty of September 27, 1830, by reason of being a descendant of one Kit McGowan, who is alleged to have been a full blood Choctaw Indian.

The record fails to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Kit McGowan complied or attempted to comply with said article XIV, or with either of the acts of March 3, 1837 (5 Stat., 180-) and August 23, 1842 (5 Stat., 513). You refused the application, October 7, 1902.

The Commissioner of Indian Affairs forwarded the case November 7 and recommended your decision be approved. A copy of his letter is inclosed herewith.

Upon a careful review of the entire record the  
Department finds no reason to modify the decision rendered  
and hereby affirms it.

Respectfully,

THOS. RYAN

Acting Secretary.

1 inclosure.

C O P Y .

Land  
66366 - 1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Nov. 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made October 7, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Luella McGowan for identification as a Mississippi Choctaw claiming rights under the provisions of the fourteenth article of the treaty of 1830.

October 7, 1902, the Commission held that the applicant was not entitled to identification.

Descent is traced from Kit McGowan, father of applicant, and the name of the Indian parent of Kit McGowan is not shown by the record.

The applicant is not a full-blood Choctaw Indian. An examination of the records of this office fails to show that Kit McGowan received a patent to land under the provisions of article fourteen of the treaty of 1830, or complied or attempted to comply with the provisions of said article; neither does it appear that he applied to the commissions appointed under the Acts



-2-

of March 3, 1837 and August 23, 1842, for an adjudication of his rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the application, be affirmed.

Very respectfully,

Your obedient servant,

W. A. JONES,

Commissioner.

MEM  
D

3 inclosures.

COPY.

M.C.R. 2863

Muskogee, Indian Territory, November 26, 1902.

Luella McGowan,

Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

*Tamm Dickey*

Acting Chairman.

COPY.

M.C.R. 2863

Muskogee, Indian Territory, November 26, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw, of Luella McGowan, of which decision you were duly advised by mail on the 7th day of October, 1902.

Respectfully,

*Tamie Dixie*  
Acting Chairman.

M.C.R. 2865

COPY.

Muskogee, Indian Territory, November 26, 1902.

A. W. Trotter,

Attorney at Law,

Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Luella McGowan, of which decision you were duly advised by registered mail on the 7th day of October, 1902.

Respectfully,

*John D. Smith*  
Acting Chairman.

2/075

No

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name Luella Mc. Gowan.

Age 19 Blood  $\frac{1}{2}$  choctaw.

Post Office Meridian, Miss

Father: Kit Mc. Gowan, <sup>slave</sup> d

Mother: Louisa <sup>slave, negro</sup> d

Claims through father (full?)

~~Children:~~

Claims for self  
alone.

Stenographer

R. S. Strait

Choctaw MCR 2864

Mary Page

MCR 2864

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Mary Page, et al., for  
identification as Mississippi Choctaws, consolidating the applica-  
tions of:

Mary Page,	M.C.R. 2864
Alex Page, et al.,	M.C.R. 2866
George Page,	M.C.R. 2867
Leona Page, et al.,	M.C.R. 2869
Konroe Page, et al.,	M.C.R. 2870
Junius Page,	M.C.R. 2868

List of papers forwarded to the Secretary of the Interior comprising  
the record in the consolidated case of Mary Page, et al.

	(Page)
Original application of Mary Page before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Affidavit of Hiram Page and Mary Page.....	6
Original application of Alex Page, et al., before the Dawes Commission for identification as Mississippi Choctaws.	7
Affidavit of Hiram Page and Mary Page.....	12
Certified copy of the marriage record of Alex Page and Sarah Rush.....	13

Original application of George Page before the Dawes Commission for identification as a Mississippi Choctaw.....	14
Affidavit of Hiram Page and Mary Page.....	17
Original application of Leona Page, et al., before the Dawes Commission for identification as Mississippi Choctaws.	18
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Original application of Junius Page before the Dawes Commission for identification as a Mississippi Choctaw.....	28
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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Mary Page for the  
identification of herself alone as a Mississippi Choctaw.

Mary Page, having been first duly sworn, upon her oath  
testified as follows:

Examination by the Commission.

- Q. What is your name? A. Mary Page.  
Q. What is your age? A. Fifty five years old.  
Q. What is your post office address? A. Oak Grove, Mississippi.  
Q. How long have you lived at Oak Grove? A. I don't know sir, how  
long I have been there.  
Q. Where were you born? A. In Richmond, M.  
Q. Mississippi? A. Virginia.  
Q. How long did you live in Virginia? A. I don't know sir, how long  
I stayed there. I was quite small- thirteen or fourteen years old  
when they stole me from there.  
Q. And you have lived here since? A. Yes sir.  
Q. Have you lived at Oak Grove most of the time? A. Yes sir. There  
and in Arkansas together.  
Q. You have been in Arkansas have you? A. Yes sir.  
Q. You were born in Virginia, came to Mississippi and then went to  
Arkansas? A. Yes sir.  
Q. What place in Arkansas? A. Little Rock.  
Q. And then came back here? A. Yes sir.  
Q. How long have you lived here the last time? A. Fifteen or twenty  
years.  
Q. What was your father's name? A. I don't know.  
Q. You don't know whether he is living or not? A. No sir.  
Q. What is your mother's name? A. Caroline Brock.  
Q. Is she living? A. No sir.  
Q. Through which one of these parents do you claim Choctaw blood?  
A. My mother.  
Q. How much do you claim? A. She was whole.  
Q. How much do you claim? A. About half, I reckon; I don't know.  
Q. What was your father's blood? A. I don't know sir; I don't know  
nothing about my father's blood.  
Q. She was born in Virginia you say? A. I wasn't born there; I  
was born in Petersburg.  
Q. What state? A. I don't know.  
Q. How do you know you were born in Petersburg? A. There is where  
I left my mother.  
Q. How old were you? A. Fourteen years old.  
Q. You say she was a full blood, and you were born over here and  
taken where? A. Brought to this country.  
Q. Well, you have got to locate yourself somewhere; you were born  
in Virginia? A. Yes, and brought from there to Petersburg.  
Q. You was born in Virginia, and you say your mother was a full  
blood Choctaw Indian? A. Yes sir.  
Q.

Mary Page #2.

Q Do you know it happened that your mother, a full blood Choctaw Indian, was in Virginia? A No sir, I don't know, she was peculiar from anyone else is all I know about it.

Q Did she talk Choctaw? A So far as I know it, I reckon she did.

Q Do you know for sure that she was Choctaw? A Yes sir, I reckon I do.

Q Do you know without reckoning at all? A I wouldn't swear about my mother, for she is older than I is.

Q Do you know whether she talked Choctaw; do you know what the Choctaw language is? A They called her Choctaw Indian when they would meet up with her.

Q And you can't explain how she happened to be in Virginia? A No sir, there was a right smart of them there, - several.

Q Several what? A Indians.

Q Were they Choctaw Indians? A That's what they called them.

Q Couldn't have been some other Indians? A They could have been, but that's what I heard them called; that's all I know.

Q You don't know whether your father was a Choctaw or a white man, do you? A No sir, I don't know, what he was.

Q You claim one half Choctaw blood? A Yes sir.

Q What is your other blood? A I don't know sir.

Q Don't you know that you have negro blood? A Well, I say I don't know; I just know what mother was.

Q Don't you think you have? A I haven't thought about it, for I don't know.

Q This is a good time for you to think about it just now? A Of course, I have got some other kind of blood in me.

Q Of course, you must have, because one half Choctaw, but I know - I believe from your conversation that you have negro blood, anybody will say so; what do you think about it? A Well, it may be.

Q I want to know what you think about it? A I couldn't tell you what my daddy was unless I seen him; I can't tell what my mother was.

Q You won't testify? A Of course I may, -

Q You won't testify that you have any negro blood? A Yes sir.

Q You have then, have you? A I reckon I is got some.

Q Were you a slave before the war? A No sir.

Q Then, how did it happen you were stolen from your mother?

Q I don't know how it happened.

Q By whom were you stolen? A Some man by the name of Ragland stole me from there with my mother.

Q And then you were a slave to this man Ragland? A No sir.

Q What did he do with you after he stole you? A He just brought me there, and I worked around until I got away with some of the rest of them there.

Q Did you run away from him? A Yes sir, two or three times.

Q Did he get you back? A No sir.

Q He didn't steal you to marry you did he? A No sir.

Q Did he steal you to make an adopted child of you? A I don't know what he was going to do with me.

Q What made you run away from him? A Because I was trying to get back to my mammy.

Q Did you call him master? A No sir, called him mister.

Q He held you as a slave, didn't he? A No sir, he wasn't; he used me just like he did his children.

Q But he didn't make you as such; that is, adopt you? A No sir.

Q He didn't make you his wife; he must have made you a servant?

A No sir.

Mary Page, #3.

Q You worked for him, didn't you? A No sir, I done nothing more than what the rest of the children done.

Q You run away from him? A Yes sir; I was trying to get back to my ma.

Q He didn't treat you very well, did he? A He treated me well enough, but I hunting my ma.

Q How long did you live with him? A I don't know sir.

Q Were you freed from him at the time of the war? A I never was a slave.

Q But did you leave him at about the time of the war? A Yes sir, before the war I left him.

Q Has your mother through when you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I don't know sir; I reckon she was; they went off somewhere or other, I don't know where they went to.

Q Have you any children under twenty one years of age and unmarried? A No sir.

Q You just make application for yourself? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Did you, or any one for you, in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time to either the Choctaw tribal authorities, or to the authorities of the United States to be admitted or enrolled as a member of the Choctaw tribe of Indians? A No sir.

Q Is this the first application of any kind you have made? A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your right as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Q Have your ancestors or you ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and who lived at that time in the old Choctaw Nation in Mississippi and Alabama when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaws? A No sir.

Q Can you give the name of your mother's father? A No sir.

Q Or your mother's mother? A No sir.

Q Know nothing about them at all? A No sir.

Q Your mother never told you? A No sir.

Q And you don't know anything about your father? A No sir.

Mary Page #4.

Q And you say your mother wasn't a slave? A No sir.

Q You were stolen and kept by some man-- taken from Virginia? to Mississippi, and yet you claim you was not a slave? A No sir, I wasn't no slave.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians when they were removed by the United States Government to the Territory between the years 1833 and 1838? A Not that I knows of.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, of the Choctaw Indians in Mississippi, Colonel Ward, that they intended to stay in Mississippi and become citizens of the States? A No sir, I don't know.

Q Have any of your ancestors, if Choctaw Indians, received or claimed any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you desire to make in support of this application? A No sir, I haven't any thing else to say.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, or that they ever complied or attempted to comply with the provisions of the Fourteenth article of that treaty or ever received any benefits thereunder? A Yes sir.

The joint affidavit of Hiram Page and Mary Page, presented by the applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

(This applicant has the appearance and physical characteristics of a person descended from a mixed ancestry composed of negro and part Indian in which the negro seems to predominate; whether the Indian blood claimed by this applicant is Choctaw or other Indian blood cannot be positively determined; she does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.)

The decision of the Commission as to the application you make for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of Section 21 of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. E. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled

- Mary Page, #5.

cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streich*  
Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of August, 1901.

*[Signature]*  
Notary Public.

COPY.

*Bmm  
Cov.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Page, et al., for  
identification as Mississippi Choctaws, consolidating the appli-  
cations of:

Mary Page,	M.C.R. 2864
Alex Page, et al.,	M.C.R. 2866
George Page,	M.C.R. 2867
Leona Page, et al.,	M.C.R. 2869
Monroe Page, et al.,	M.C.R. 2870
Junius Page,	M.C.R. 2868

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Mary Page for herself; by Alex Page for himself and his eight  
minor children, Maryland, Pearl, Seb, Samuel, Eugene, Emma, Amanda,  
and Ether Page; by George Page for himself; by Leona Page for her-  
self and her two minor children, Ada and Ida Page; by Monroe Page



for himself and his minor child Venie Page; and by Junius Page for himself, under the following provision of the act of Congress approved June 27, 1893 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Caroline Brook, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder, that the said Caroline Brock, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Senb Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

Acting Chairman.

(SIGNED)

*T. B. Needles,*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

APR 17 1903



COPY.

Muskogee, Indian Territory, April 11, 1903.

Mansfield, McMurray &amp; Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Page, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page, et al.,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Junius Page,	M C R 2868

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have

-2-

been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Lamar Bixby*  
Chairman.

M C R 2864

COPY.

Muskogee, Indian Territory, April 11, 1903.

Mary Page,

Oak Grove, Mississippi.

Dear Madam:

You are hereby advised that on the 11th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Page et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Junius Page,	M C R 2868

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifi-

-2-  
cation as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby*

Registered

Chairman.

Lushogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir :

There is transmitted herewith the record in the consolidated case of Mary Page, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 11, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Mary Page,	M.C.R. 2864;
Alex Page, et al.,	M.C.R. 2866;
George Page,	M.C.R. 2867;
Leona Page, et al.,	M.C.R. 2869;
Monroe Page, et al.,	M.C.R. 2870;
Junius Page,	M.C.R. 2868.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.

2 Enc.: M.C.R. 2864.

Chairman.

Copy.

J. P.

DEPARTMENT OF THE INTERIOR,

WCF.

D.C. 18439.

WASHINGTON,

EAT.

ITD. 5156-1903.

July 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:-

April 27, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Mary Page; of Alex Page and his minor children, Maryland, Pearl, Seab, Samuel, Eugene, Emma, Amanda and Ether Page; of George Page; of Leona Page and her minor children, Ada and Ida Page; of Monroe page and his minor child, Venie Page; and of Junius Page. On April 11, 1903 you rendered a decision, holding that the evidence presented was insufficient to determine the identity of these applicants as Mississippi Choctaws.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Caroline Brock, it being alleged that said ancestor was a full blood Choctaw Indian.

Neither the evidence submitted by the applicants nor the records of the Indian Office show that Caroline Brook complied or attempted to comply with article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Copy.

Land

27852-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mary Page for the identification of herself; of Alexander Page for the identification of himself and his eight minor children Maryland, Pearl, Seab, Samuel, Eugene, Emma, Amanda and Ether Page; of George Page for the identification of himself; of Leona Page for the identification of herself and her two minor children Ada and Ida Page; of Monroe Page for the identification of himself and his minor child Venie Page; of Junius Page for the identification of himself, all as Mississippi Choctaws.

On April 11, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of these applicants is insufficient to establish their identity as Mississippi Choctaw Indians entitled to rights in the lands in the Choctaw nation under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

The office has examined its record, evidence and finds that these applicants all claim to have inherited their Choctaw

- 2 -

blood from a common ancestor named Caroline Break, but neither said record evidence nor an examination of the records in this office show that any person by the name of Caroline Break ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or secured a patent for land there under or received scrip in lieu thereof. By reason of the premises the office considers said decision of the commission correct and recommends that it be affirmed by the Department.

Very respectfully,

A. W. Jones,

Commissioner.

WCB-R.



- 2 -

Reporting June 18, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 2864.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Mansfield McMurry & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 3rd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Page et al., of which decision you were advised by mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

M. C. R. 2884.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Mary Page,  
Oak Grove, Mississippi.

Dear Madam:-

You are hereby notified that on the 3rd day of July ,  
1903, the Secretary of the Interior affirmed the decision of this  
Commission refusing the applications for identification as Missis-  
sippi Choctaws of the several persons included in the consolidated  
case of Mary Page et al., of which decision you were advised by  
registered mail on the 11th day of April, 1903.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

#1076

No

-For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name

Mary Page

Age

55

Blood  $\frac{1}{2}$

Post Office,

Oak Grove, Miss.

Father: don't know, - don't know

Mother: Caroline Brock, d

Claims through

mother

~~XXXXX~~

Claims for self  
alone.

Stenographer

R. A. Strait

Mary Page  
No. 2864

BOOK

RECORDED, MAR 11 1882

No. 2868.

Choctaw MCR 2865

Charley Willis

MCR 2865

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the Matter of the Application of Charley Willis for  
Identification as a Mississippi Choctaw.

M. C. R. 2865.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Charley Willis  
for Enrollment as a Mississippi Choctaw.

M. C. R. 2865.

- - I N D E X . - -

Original application of Charley Willis for identifica- tion as a Mississippi Choctaw.....	1
Decision of the Commission identifying said applicant ...	8.



2765

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 5th, 1901.

In the matter of the application of Charley Willis for the identification of himself as a Mississippi Choctaw.

Said Charley Willis, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Charley Willis.  
Q What is your age? A Thirty-four.  
Q What is your postoffice address? A Ennis, Mississippi.  
Q What County? A Kemper.  
Q How long have you lived in Kemper County, Mississippi? A I was born right there.  
Q You have lived there all your life then? A Yes sir.  
Q Is your father living? A Yes.  
Q What is his name? A John Willis.  
Q Is your mother living? A No, dead long time. I was little boy.  
Q What was her name? A Sookey.  
Q Through which one of your parents do you derive your Choctaw blood? A Through both father and mother.  
Q How much Choctaw blood do you claim to have? A Full blood.  
Q Both of your parents then were full blood Choctaw Indians? A Yes.  
Q You speak and understand the Choctaw language, do you? A Yes.  
Q And some English? A Yes, little, not much.  
Q Has your father always lived in the State of Mississippi? A Yes.  
Q Did your mother live in the State of Mississippi during her entire life? A Yes.  
Q Is your father's father living? A No.  
Q Do you know what his name was? A I was a little boy. His name was John Lishcomb.  
Q Did he have a Choctaw name? A I don't know about that.  
Q Did you ever see your grandfather? A Yes, I was little boy.  
Q How long has he been dead? A I don't know; a good while.  
Q He was a full blood Choctaw, was he? A Yes sir.  
Q Did he speak the Choctaw language? A Yes.  
Q How old a man would he be if he were living today? A I don't know.  
Q About how old is your father? A I don't know how old.  
Q Is your father a pretty old man now? A Yes.  
Q Do you think he is 60 years old? A Yes, he is more.  
Q Do you know the name of your father's mother? A No.  
Q She is dead, is she? A I don't know nothing about that.  
Q Did you ever see her? A No.  
Q You don't know her name, nor anything about her? A No.  
Q Do you know your mother's father? A Yes.  
Q Is he living? A No.  
Q When did he die? A I don't know, about 28 years ago.  
Q What was his name? A I don't know.  
Q Did you ever see your mother's father? A No.  
Q And know nothing whatever about him? A No.  
Q You don't know what his name was? A No.  
Q Is your mother's mother living? A No.  
Q When did she die? A I don't know.  
Q Did you ever see her? A No.

Charley Willis --2

Q Do you know what her name was? A I never heard.

Q Then you only know the name of one of your grandparents and that is your father's father, is that all? A Yes.

Q Do you know the names of any of your ancestors, your forefathers, further back than your father's father? A Don't know.

Q How long has your mother been dead? A About twenty years.

Q About how old was she when she died? A I don't know.

Q Do you think that if she were living today she would be as old as your father is? A Yes.

Q About the same age? A Yes.

Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw Tribe of Indians in Indian Territory by the Choctaw Tribal authorities or by the United States authorities? By that I mean was your father or was your mother ever, at any time, admitted to citizenship out there in the Choctaw Nation in Indian Territory, or did they ever have the rights of citizens out there or put their names upon the tribal rolls out there as people belonging to the Choctaw Tribe of Indians? A Don't know.

Q Did either of your parents ever go out to the Choctaw Nation in Indian Territory? A No.

Q Have you ever been out to the Choctaw Nation in Indian Territory?

A No.

Q Are you married? A No.

Q Have you ever been married? A No.

Q This application then is solely in your own behalf, is it? A Yes.

Q Is your name to be found on any of the Choctaw Tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of the Tribe? A No.

Q Did you or did anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?

A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for Indian Territory?

A No.

Q Have you ever made any application prior to this time either to the Choctaw Tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation?

A Made application at Philadelphia two years ago.

The records of the Commission show that on January 30th, 1899, this applicant appeared before the Commission at Philadelphia, Mississippi, and there made application for identification as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field No. 172, also upon page 57 of the Schedule annexed to the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being number 592 thereon.

Q Is this application, made by you two years ago at Philadelphia, the only application of any description that you have ever made?

A Yes.

Charley Willis---3

- Q Do you now desire to make application for identification as a Mississippi, claiming rights in the Choctaw lands, Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? By that question I mean- Do you desire to make a claim to a portion of the lands of the Choctaw Nation, Indian Territory, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understandfully the 14th article of the treaty of Dancing Rabbit Creek? A Heard about it.
- Q Do you understand it fully? A Yes, old folks talk about it.
- Q My question is-do you understand it fully? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A No.
- Q Do you know whether any of your ancestors were living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made? A That treaty was entered into at Dancing Rabbit Creek, Mississippi, over 70 years ago, it was made in September, 1830? A Don't know.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw Tribe of Indians here at that time? A Don't know.
- Q Do you know whether any of your ancestors were, immediately prior to the making of this treaty, recognized members of the Choctaw Tribe of Indians? A Don't know about that.
- Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Don't know about that.
- Q Did you ever hear of any of your ancestors moving out to the Indian Territory? A No.
- Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Don't know about that.
- Q Does your father own any land here in Mississippi? A No.
- Q Did he ever own any land here in Mississippi? A No, not that I know of.
- Q Did your father's father or mother, either of them, ever own any land in Mississippi? A No.
- Q Did your mother ever own any land in Mississippi? A No.
- Q Did your mother's father or mother, either of them, ever own any land in Mississippi? A No.
- Q So far as you know, then, none of your ancestors ever owned any land in the State of Mississippi? A Don't know about that.
- Q Did you ever hear of any of your ancestors ever owning any land here in Mississippi? A No.

the 14th article of the treaty of Dancing Rabbit Creek provided that such Choctaws as desired to remain in Mississippi and take advantage of the provisions of that article should, within six months after the treaty was ratified, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to

remain and Mississippi and become citizens of the States, in order that proper reservations might be made for them by the Government. There records of the Government show that the Indian Agent who was sent to Mississippi for the purpose of recording claims, under these treaty provisions, did not receive his instructions so to do until within about sixty days from the expiration of the period of six months after the ratification of the treaty; that after the instructions were received by the Agent, Col. Ward,, he was not inclined to remind many of the Indians to take reservations, when requested to do so, and his records have proved to be unreliable and, in many instances, Choctaws, who, no doubt, in good faith intended to take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek and had, as they thought, signified their intention to the Agent and had their reservations properly made, afterwards discovered that their lands had been sold by the Government. Numerous complaints were made by the Choctaws to the Government that the provisions of the 14th article were not being carried out; these complaints resulted in Congress taking the matter up and by the Act of Congress, approved March 3rd, 1837, a Commission was appointed by the President, whose duty it was under the Act above referred to-"meet in the State of Mississippi at such time and place as the President shall appoint and designate and there proceed to ascertain the name of every Choctaw Indian who was the head of an Indian family at the date of the treaty of Dancing Rabbit Creek, who has not already obtained a reservation under said treaty and who can show, by satisfactory evidence, that he or she complied or attempted to comply with the requisites of the 14th article of said treaty to entitle him or her to a reservation under said article." The Commission was further directed to make a similar investigation as to minor children entitled to reservations and to report to the President, and, by him, laid before Congress.

Q Do you know whether any of your ancestors made application to the Commission appointed by the Government under the Act of March 3, 1837, above referred to, to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Never ~~heard~~ heard about that. My uncle, Aleck Ha-tubbe, my mother's brother, got land long ago. Just heard about it.

Q Did your mother have a Choctaw name? A No.

Q Never heard of it? A No.

Q Did your mother have any other brothers and sisters beside Ha-cubbe? A Yes, one.

Q Did she have a sister or brother? A Mother's sister name Liza.

Q Did Liza have a Choctaw name? A Sta-na-ha.

Q Did your mother's sister get any land from the Government? A Yes.

Q Was that sister older or younger than your mother? A Older.

Q Was your mother's brother older than your mother? A Brother was older.

Q Was your mother's brother older than your mother's sister? A Don't know.

Q Can't you remember the Indian name of your mother's mother or father? Mother's father was named Ha-cubbe.

Charley Willis---5

Q Did your mother ever have a sister by the name of Susa? A Just heard of it.

Q You heard that she had a sister by the name of Susa, did you?

A Yes sir, a long time ago.

Q Did your mother ever have another brother beside Ha-cubbe? A My mother's brother went to Territory a long time ago. Don't know what name.

Q Did you ever hear his name? A No.

Q Was he older than your mother? A Yes, I reckon.

Q Did your mother have any other brothers and sisters that you have 'nt told us about? A Never heard.

Q Did you ever hear that the name of the one that moved to the Indian Territory was Bah-ne-tubbe? A Don't know the name.

Q Your mother's father, didn't he get some land here in Mississippi too? A I heard he got land; don't know what he do with that land.

Q You have heard then that your mother's father got land here in Mississippi from the United States? A Yes.

Q Do you know where that land was? A No.

Q Do you know how many of your mother's brothers and sisters got land too? A Don't know; just heard he got land, ~~a small square~~  
a mile square.

Q Who was that got land a mile square? A Mother's father, Ha-cubbe.

Q You have no idea where that piece of land is or what became of it? A Don't know that.

Q Did you ever see a deed or patent to it? A Yes.

Q When did you see that deed or patent? A About 20 years ago.

Q Do you know where that deed or patent is now? A No.

Q Do you know who it was issued in favor of? A I used to pay tax on that land at Dekalb.

Q What County is that in? A Kemper.

Q Do you mean to say you paid taxes on it? A No, I just heard about that, my grandfather paid taxes on it.

Q Have you any idea where that deed is now? A Don't know where it is now.

Q Do you think you could find it? A No.

If the paper, to which you refer, is a patent from the Government of the United States, deeding land to your grandfather, Ha-cubbe under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, it is very important in your case that you should produce it and introduce it as evidence, give it to the Commission. You should, at once, make an effort to locate this paper and send it to the Commission. We will give you ample time in which to furnish this deed in support of your application.

On page 539 of the record of the Court of Claims in the case of the Choctaw Nation of Indians vs the United States, No. 12742, in the list of twelve cases fully adjudicated by Messrs. Tyler, Gaines and Rush on June 3rd, 1845, under the Act of Congress of August 23, 1842, appears the case of Hacubbe and three minor children, being No. 41. Said Hacubbe was by Commissioners Tyler, Gaines and Rush awarded section 16, Township 8, Range 13. His minor children, Susa, Bah-ne-tubbe and Ish-te-la-mah were awarded the S.E. 1/4, S.W. 1/4 and the N.W. 1/4, respectively, all in section 16, Township 8, Range 13. Owing to the imperfect knowledge this applicant has of the names of his family, it is



Charley Willis---6

impossible to determine definitely whether the family hereinbefore referred to is that of his grandfather, his mother's father, Haoubbe.

- Q Do you know whether any of your father's people ever got any land from the Government? A Never heard of any getting land.
- Q The members of your mother's family, about whom you have testified, who received land from the Government, then, are the only members of your family that you have ever heard of receiving land from the Government here in Mississippi, are they? A My mother's sister got money.
- Q Which one of your mother's sisters got money? A Don't know.
- Q How much money did she get? A Don't know how much.
- Q Where did she get that money? A In Mississippi.
- Q Do you know when it was she got it? A About 70 years ago.
- Q You don't remember how much money she got? A No.
- Q Who paid that money to her, do you know? Government.
- Q Are there any further statements you want to make at this time in support of your application? A No.
- Q Do you know of any person who could testify more correctly as to the names of your ancestors, your mother's father or mother and her brothers and sisters, or your father's father and mother and his brothers and sisters and as to whether any of them took advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Don't know.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in the year 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw Tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No.

Permission is granted the applicant in this case to file documentary or other evidence in support of his application, provided the same is offered for filing with the Commission within thirty days from the date hereof.

This applicant has every appearance of being a full blood Indian. He speaks and understands the Choctaw language and but very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898,; A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, being first duly sworn, states that as stenogra-

Charley Willis--7

pher to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 8th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

  
Subscribed and sworn to before me this the 25th day of July, 1901,  
at Meridian, Mississippi.

  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*C.W.*  
In the Matter of the Application of Charley Willis for  
Identification as a Mississippi Choctaw.

M. C. R. 2865.

- - D E C I S I O N . - -

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on July 5, 1901, by Charley Willis, for himself, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi



Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Charley Willis should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1902

COPY.

M.C.R. 2865.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Charley Willis as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Charley Willis as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNER)

*Tams Bixby.*

Registered.

Enc. M. C. R. 2865.

Acting Chairman.

COPY.

M.C.R. 2865

Muskogee, Indian Territory, March 11, 1903.

Charles Willis,

*Remained to Ardmore, 25*  
*Apr. 4/03*  
Basis, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tamm Dickey*

Chairman.

Registered.

Enc. 2865.

M C R  
2335-2045-1653  
2536-2727-2648

Muskogee, Indian Territory, April 4, 1903.

J. B. Warren, P. M.,  
Harris, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th  
ultimo, returning registered letters addressed to the following:

Charley Willis	Mack Phillip
Tom Davis	Ben Thompson
Tom Philip	Salina Reese.

You state that the present post office addresses of these  
persons are Ardmore and Kiowa, Indian Territory. Said letters have  
been mailed to these addresses.

Respectfully,

Commissioner in Charge.

April 14, 1904.  
To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

You will please deliver to J. G. Halls, of Atoka,  
Indian Territory, copies of records in my case, that the Commis-  
sion may give out to Attorneys, as I have employed him to assist  
in this case.

Charlie McLean (2865)

#1077

No

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name Charley Willis

Age 34 Blood full

Post Office, Ennis, Miss.

Father: John Willis

Mother: Sookery "

Claims through both parents

(Claims for self only.)

Children:

(See Miss. Choct. and  
field No 172. Appearance  
30%.)

Stenographer



Charley Willis

IDM 11111

R. 28' 5"

DECISION

FEB

1903

1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Charley Willis

Idm 11111

Idm 11111

Idm 11111

Choctaw MCR 2866

Alex Page

MCR 2866





Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Alex Page for the identification of himself and eight minor children as Mississippi Choctaws.

Alex Page, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Alex Page.  
Q What is your age? A Thirty six.  
~~Q What is your post office address? A Sugarcookee, Mississippi.~~  
Q How long have you lived at this place? A I have been bred and born there.  
Q What is your father's name? A My father's name was Frank Page.  
Q What was your mother's name? A Mary Page.  
Q Is your father living? A No sir.  
Q Is your mother living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A My mother.  
Q How much ~~do~~ Choctaw blood do you claim? A I don't know, sir, exactly - my mother -- its from her side.  
Q How much do you claim? A I reckon just whatever her part.  
Q I reckon you will have to state? A It is a half or quarter.  
Q Now what do you claim? A 1/4 I reckon.  
Q Do you know? A Yes sir.  
Q How do you know? A I say I claim according to what she claimed.  
Q You just don't know how much you do claim? A That's all.  
Q Do you know how much you claim and if not, say so? A 1/4..  
Q You will swear that you are a quarter Choctaw Indian? A Yes sir.  
Q That's a fact and you swear to it? A Yes sir.  
Q How much did your mother have? A I don't know sir.  
Q How do you know what you had then? A Some say she is a full blood Indian; I don't know.  
Q How ~~was~~ do you know how much blood you claim, you don't claim through your father and claim all through your mother? A Yes sir.  
Q And you don't know how much your mother claims, do you? A No sir.  
Q What makes you come here under oath and swear positively that you have one quarter Choctaw blood, and you say immediately afterwards you don't know how much Choctaw your mother has? A She claims to be a half Indian.  
Q How do you know she has a 1/2? A If she is half.  
Q You say you did have a quarter? A I was -- I am contending for a quarter.  
Q You don't know anything about it do you? You don't know how much blood you have got do you? A No sir, I don't know about the blood.  
Q What are you here for if you don't know anything about the quantity of Choctaw blood you have; what do you say you have a certain amount for, and then don't know anything about it? A No further

Alex Page, et al., #2.

than my mother.

Q You don't know how much she has? A No sir; I know she is my mother.

Q What was your father's blood? A I don't know sir, what his blood was.

Q Was he a white? A No sir, he was a colored man.

Q What do you say you don't know what his blood is for? A He was colored.

Q Was he a full blood colored man? A Yes sir.

Q Did he have any Choctaw blood? A Not that I knows of.

Q Was he a slave before the war? A Yes sir, I reckon he was, but I don't know it.

Q What makes you reckon it? A He has been dead so long.

Q Was your mother a slave before the war? A No sir.

Q She was stolen from Virginia? A Yes sir.

Q Do you know whether she had any Choctaw blood in her or not?

A No sir, no more than -- that's what I heard.

Q Do you know whether she had Choctaw Indian blood? A They claimed Choctaw.

Q What was her other blood besides Choctaw? A I don't know anything about that.

Q Do you know that she had any white blood? A No sir.

Q Did you hear her testify a while ago that she had Choctaw blood? A I reckon.

Q What do you think she has besides Choctaw? A I don't know anything about that part of it. I can't go ahead of my birth.

Q You say that you know she is part Choctaw because she said so?

A Yes sir.

Q Did you ever hear her say what her other blood was? A No sir, I never.

Q Did you ever consider that you had any white blood in you? A No sir.

Q It must all be negro, except the Choctaw? A Yes sir.

Q Has your mother through whom you claim your right to identification as a Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities? A Not as I knows of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Sarah.

Q Is she a negro? A Yes sir.

Q Do you make any claim for her? A I haven't made any.

Q Are you going to make? A Yes sir, if it is for me, I want it; if it aint I don't want it.

Q You say she is a full blood negro? A Yes sir, She is.

Q Do you make any clai then if she is not a Choctaw Indian?

A No sir, I wouldn't for she aint.

Q Well, do you make any claim for her? A No sir.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.

Q Give me the name of the oldest under twenty one and unmarried?

A Maryland Page.

Q Is that a boy or girl? A Boy.

Q How old is Maryland? A 17.

Alex Page, et al 3.

The next one? A Pearl Page.

Q How old? A 17.

Q Twins are they? A Yes sir.

Q Is Pearl a girl? A Boy.

Q The next one? A Sam.

Q Is that a boy? A Yes sir.

Q How old? A He is 14.

Q The next? A Samuel.

Q How old is Samuel? A He is 13.

Q The next? A Eugene.

Q How old? A He is six years old.

Q The next? A Emma Page, a girl.

Q How old? A 9.

Q The next? A Amanda.

Q Girl? A Yes sir.

Q The next? A Ether.

Q How old? A 3 years old.

Q The next? A Narry other one.

Q Is your wife, Sarah, the mother of these children? A Yes sir.

Q Are you the father? A Yes sir.

Q Are they living with you at your home? A Yes sir.

Q Have you your marriage license and certificate here with you?

A Yes sir.

Q You were married by a minister? A Yes sir.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Have you ever made such an application for your children? A No sir.

Q Did you or any one for you, or your children, in 1896, under the Act of Congress of June 10, 1898, make application ~~making~~ for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application for yourself or children before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted as citizens of the Choctaw Nation? A No sir.

Q Is this the first application of any description that you have made? A Yes sir.

Q You now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q You claim this right as beneficiaries under article fourteen of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors in Mississippi and Alabama in 1830? A No sir.

Q Have you any proof whatever that you have any ancestors who were recognized members of the Choctaw tribe of Indians in 1830?

A No sir.

Alex Page et al 4.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory when the other Indians went there between 1833 and 1838? A No sir, not that I know of.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaws in Mississippi, their intention to remain in Mississippi and become citizens of the United States.

Q Have any of your ancestors, if Choctaw Indians, ever claimed or received any land from the Government of the United States under article fourteen of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say about your claim? A No sir.

Q Do you wish to submit documentary evidence in support of your claim? A Yes sir.

The joint affidavit of Hiram Page and Mary Page presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

Certified copy of marriage license between Alex Page and Sarah Rush, presented by applicant, received, marked Exhibit "B", filed and made a part of the record in this case.

Q Would you like time in which to submit further testimony in support of your claim? A Yes sir.

Thirty days from the date hereof is allowed this applicant in which to file proper documentary evidence in support of this application.

(This applicant has the appearance of a full blood negro; he claims Choctaw blood, but he does not know how much Choctaw blood he claims; his physical appearance does not show any. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and eight minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, ~~and a copy~~ conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

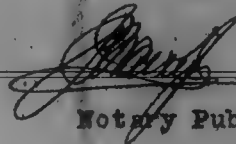
R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled

Alex Page et al vs.

cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of August, 1901.



Notary Public.

COPY.

Muskogee, Indian Territory, April 11, 1903.

Alex Page,

Sugarnechoe, Mississippi.

Dear Sir:

You are hereby advised that on the 11th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Page, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Junius Page,	M C R 2868

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page, as Choctaw Indians entitled to rights in the Choctaw lands under



-2-

the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamr Bixie*

Chairman.

Registered.

M.C.R. 2866.

COPY.

Muskegee, Indian Territory, July 27, 1903.

Alex Page,

Sucarnoochee, Mississippi.

Dear Sir:-

You are hereby notified that on the 3rd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Page et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

SIGNED

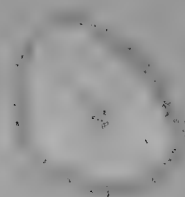
*T. B. Needles.*

Commissioner in Charge.



Alex Page, et al.  
K. 2110

DECISION RECORDED MAR 11 1903



160.

#1078

No 2000

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name Alex Page

Age 36 Blood - 1/4 -

Post Office, Tucarnoochee, Miss.

Father: Frank Page d. <sup>Colon</sup> <sup>Slav.</sup>

Mother: Mary Page - l

Claims through mother  
wife.

Sarah, (negro.)

No claim for wife.

Children: Maryland (boy) 17  
Pearl (boy) 17  
Seab (SEAB) (boy) 14  
Samuel 13  
Eugene 6  
Emma 9  
Amanda (m) 4  
Ether 2

Claims for self &  
children.

Stenographer R. S. Stout

Choctaw MCR 2867

George Page

MCR 2867

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of George Page for  
identification as a Mississippi Choctaw.

George Page, having been first duly sworn, upon his oath  
testified as follows:

Examination by the Commission.

- Q What is your name? A George Page.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Oak Grove, Mississippi.  
Q Kemper County? A Yes sir.  
Q How long have you lived in Kemper County, Mississippi? A Ever  
since I can remember.  
Q All your life? A Yes sir.  
Q What is your father's name? A Frank Page.  
Q Is he living? A Dead.  
Q What is your mother's name? A Mary Page.  
Q Is she living? A Yes sir.  
Q ~~What~~ Through which one of these parents do you claim Choctaw  
blood? A Mother.  
Q How much do you claim? A Quarter.  
Q What was your father's blood? A Colored, I guess.  
Q Was he a slave before the war? A Yes sir. I suppose he was.  
Q What was your mother's blood? A Indian.  
Q What was her other blood? A I don't know sir.  
Q Do you claim any white blood? A No sir.  
Q Then, you do know what your mother's other blood was, don't  
you? A No sir.  
Q You can't help but know; if you have no white blood, wasn't all  
your blood negro, except your mother's Choctaw blood? A I don't  
know sir.  
Q You know you haven't any white blood, you have said so? A Not  
as I know of.  
Q And do you know that you have any other blood except negro and  
Indian? A No sir.  
Q Then what do you say your mother's other blood was except Choctaw  
A I don't know.  
Q You heard her say -- a few moments ago, did you hear her say she  
was part negro? A Yes sir.  
Q You did hear her say that? A Yes sir.  
Q Do you know what her Indian blood is? A Choctaw.  
Q Do you know it is Choctaw? A That's what they always told me.  
Q She come from Virginia originally? A Yes sir.  
Q And when she was a girl thirteen years old? A Yes sir.  
Q Has your mother through whom you claim your right to identifi-  
cation as a Mississippi Choctaw, ever been recognized in any way  
or enrolled as a member of the Choctaw tribe of Indians by the Cho-  
ctaw tribal authorities or the United States authorities? A No sir.  
Q Are you married? A No sir.

George Page 2.

Q Making claim for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made application to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever, before this time, made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Is this the first application of any kind you have made? A Yes sir.

Q Do you now make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you make this claim as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians? A No sir.

Q Can you tell who your mother's mother was? A No sir.

Q Or your mother's father? A No sir.

Q Don't know anything about them? A No sir.

Q Don't know anything about their Indian blood? A No sir.

Q Did any of your ancestors if Choctaw Indians remove from the territory occupied by the Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory with the other Indians who went there between 1835 and 1838? A No sir.

Q If these ancestors did not go with the other Indians at that time, did they, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaw Indians in Mississippi, that they intended to stay in Mississippi and become citizens of the States? A Yes sir.

Q How do you know they did? A What's what they told me.

Q Who told you that; who told you that your Choctaw ancestors went to the Indian Agent and said they were going to stay here in Mississippi? A No sir, I don't know who told that.

Q You were mistaken about that? A Yes sir.

Q Have any of your ancestors, if Choctaw Indians, claimed or received and land from the Government of the United States under article fourteen of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the

George Page, 3.

Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the fourteenth article of that treaty, or ever received any benefits thereunder? A Yes sir.

Joint affidavit of Hiram Page and Mary Page presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

Q Have you any other documentary evidence you want to present?

Q No sir.

Q Would you like time in which to introduce further evidence? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file any proper documentary evidence in support of this application.

(This applicant has the appearance and all of the characteristics of a full blood negro. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the Treaty of 1830.)

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*

*[Signature]*  
Notary Public.

M C R 2867

COPY.

Muskogee, Indian Territory, April 11, 1903.

George Page,  
Oak Grove, Mississippi.

Dear Sir:

You are hereby advised that on the 11th day of April 1903,  
the Commission to the Five Civilized Tribes rendered a decision in  
the consolidated case of Mary Page, et al., embracing the following  
applications for identification as Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Junius Page,	M C R 2868

These applications were made under the provisions of the act of  
Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the  
evidence herein is insufficient to determine the identity of Mary  
Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page,  
Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona  
Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page,  
as Choctaw Indians entitled to rights in the Choctaw lands under

-2-

the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

Registered.



M.C.R. 2867.

COPY.

Maskogee, Indian Territory, July 27, 1903.

George Page,  
Oak Grove, Mississippi.

Dear Sir:-

You are hereby notified that on the 3rd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Mary Page et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in charge.

George Page

LEONARD HENDERSON MAR 11 1903

R 2847

REFERENCE NO. 2864

#1079

No. 2867

For Identification as a Mississippi Choctaw.

Date

JUL 5 1901

Name George Page

Age 24 Blood 1/2

Post Office, Oak Grove, Miss  
Cahoon's claim

Father: Frank Page, d  
1/2 neg 1/2 Ind.

Mother: Mary

Claims through Mother

~~Children~~

For ref alone

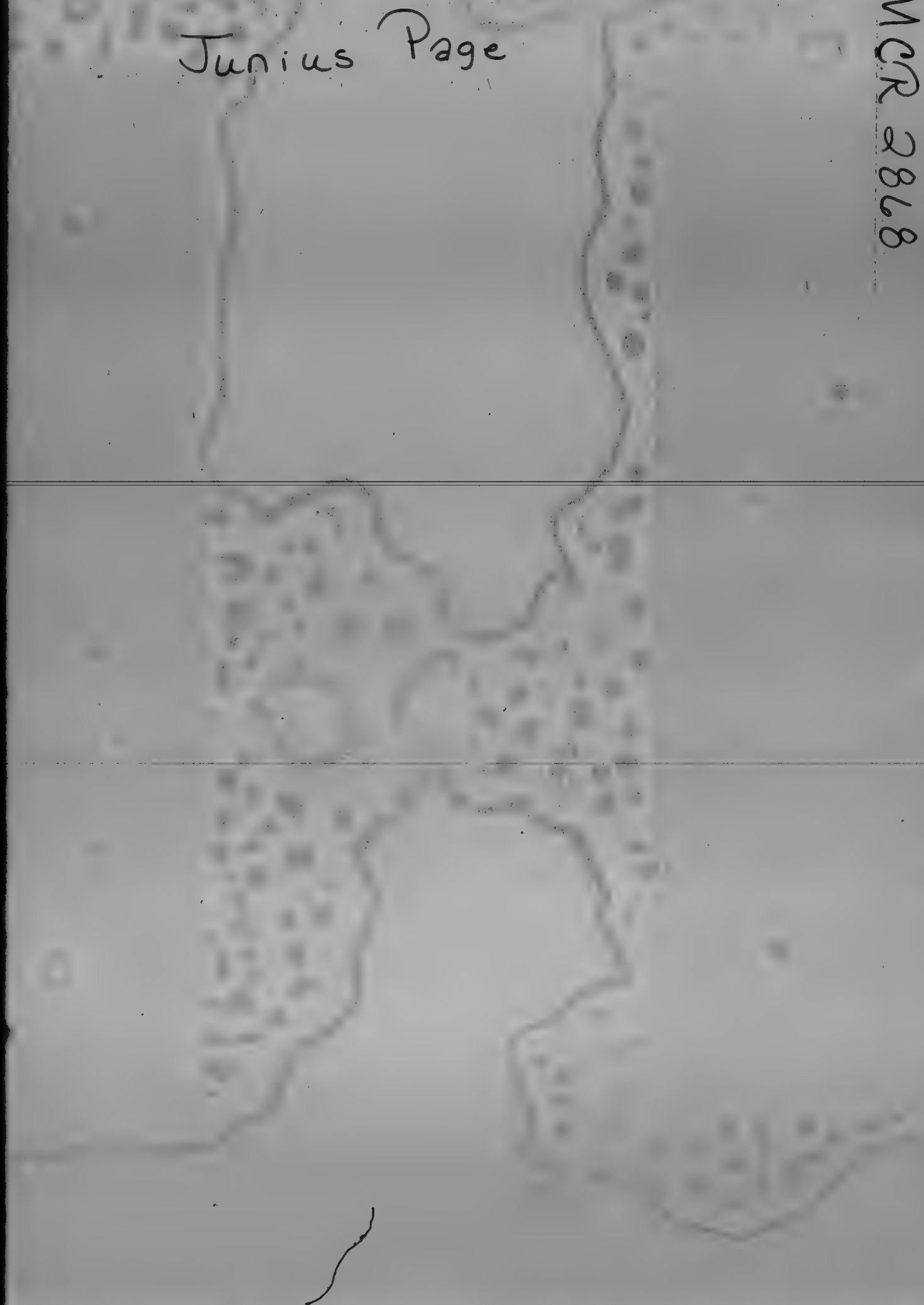
Stenographer

R.S. Strait

Choctaw MCR 2868

Junius Page

MCR 2868



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Junius Page for  
identification as a Mississippi Choctaw.

Junius Page, having been first duly sworn, upon his oath  
testified as follows:

Examination by the Commission.

- Q What is your name? A Junius Page.  
Q What is your age? A Twenty one.  
Q What is your post office address? A Oak Grove, Mississippi.  
Q How long have you lived there? A Born there.  
Q And have always lived there? A Yes sir.  
Q What is your father's name? A Frank Page.  
Q Is he living? A No sir.  
Q What is your mother's name? A Mary Page.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A Mother.  
Q How much do you claim? A Quarter.  
Q Was your father a slave before the war? A I don't know sir.  
Q You have heard your mother testify; you have heard these other  
people testify haven't you? A Yes sir.  
Q Did you ever hear that your father was a slave before the war?  
A I think he was.  
Q Well, have you any doubt about it? A I don't know sir, exactly  
whether he was or not.  
Q Did you ever hear that he was? A Yes sir.  
Q Then he was a slave was he? A Yes sir.  
Q And what was his blood? A I don't know sir; he was a colored  
man.  
Q Then you know he wasn't white? A Yes sir.  
Q And what was your mother's blood? A Indian.  
Q How much? A Half.  
Q What was the other half? A I don't know sir. That's the truth;  
I don't know.  
Q Never had any white blood did she? A I don't know that she did.  
Q What do you think she had? A I don't know sir.  
Q Are you afraid to say she is colored? A No sir, I am not afraid  
if I knew.  
Q You know she isn't white? A I don't know that she had --  
Q She must have had something besides Choctaw? A Yes sir.  
Q What was it now? A Colored, I reckon.  
Q You think that's right, do you? A Yes sir.  
Q Was she a slave before the war? A No sir.  
Q How do you know? A That's what I heard her say.  
Q You have heard her say she was stolen in Virginia by a white  
man? A Yes sir.  
Q Don't you understand she was stolen and made a slave?  
A No sir.  
Q You don't understand that? A No sir.

Junius Page 2.

Q But she married a slave? A I think so.

Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities?

A No sir.

Q Are you married? A No sir.

Q You make application for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made application for membership in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever before this time made application either to the Choctaw tribal authorities, or to the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Is this the first application you have made of any kind?

A Yes sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you claim your rights as a beneficiary under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand what that article says or means? A No sir.

Q Have you ever had it explained to you? A No sir.

Q Heard it talked about? A No sir.

Q Then, you have no knowledge of that article of the treaty of 1830? A No sir.

Q Do you understand enough about it to claim under it? A Yes sir.

Q Have you ever received any benefits, or your ancestors, as Choctaw Indians? A No sir.

Q Can you give me the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and residents of the old Choctaw Nation in Mississippi and Alabama in 1830? A No sir.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838?

A I don't know sir.

Q Did any of your ancestors, within six months, after the ratification of the treaty of 1830, signify to the United States Indian Agent of the Choctaws in Mississippi, their intention to remain in Mississippi and become citizens of the United States? A No sir, I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the Government under article 14 of the treaty of 1830? A I don't know sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any

Junius Page 3.

papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

Joint affidavit of Hiram Page and Mary Page presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

Q Have you any other documentary evidence you want to introduce?

A No sir.

Q Do you want time in which to file other documentary evidence?

A Yes sir.

~~Thirty days time from the date hereof is allowed this applicant in which to file proper documentary evidence in support of this application.~~

(This applicant has the appearance of a negro; does not speak the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*

*[Signature]*  
Notary Public.

M C R 2868

COPY.

Muskogee, Indian Territory, April 11, 1903.

Junius Page,

Oak Grove, Mississippi.

Dear Sir:

You are hereby advised that on the 11th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Page et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Junius Page,	M C R 2868

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September Twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page, as Choctaw Indians entitled to rights in the Choctaw lands under



the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*James Bixby.*  
Chairman.

Registered.

M.C.R. 2868.

COPY.

Waskiee, Indian Territory, July 27, 1903.

Junius Page,

Oak Grove, Mississippi.

Dear Sir:-

You are hereby notified that on the 3rd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Page et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

#1080.

No.

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name

Junius Page

Age

21

Blood

1/4

Post Office,

Oak Grove, Miss.  
slave - Negro.

Father:

Frank Page, d.  
1/2 neg. 1/2 Choctaw

Mother:

Mary Page

Claims through

mother

~~CLAIMS~~

Claims for self  
alone

Stenographer

R. A. Smith

R 2848

Junius Page

DECISION RENDERED. MAR 11 1903

Choctaw MCR 2869

Leona Page

MCR 2869

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Leona Page for the identification of herself and two minor children as Mississippi Choctaws.

Leona Page, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

What is your name? A Leona Page.

Q What is your age? A Twenty three.

Q What is your post office address? A Oak Grove, Mississippi.

Q How long have you lived at Oak Grove? A Ever since I would remember.

Q Born there? A Yes sir.

Q What is your father's name? A Frank Page.

Q Is he living? A No sir.

Q What is your mother's name? A Mary Page.

Q Is she living? A Yes sir.

Q Through which one of these parents do you claim Choctaw blood?

A Mary.

Q The mother? A Yes sir.

Q How much do you claim? A  $1/4$ .

Q What was your father's blood? A Negro.

Q Was he a slave before the war? A Yes sir.

Q Your mother claims Choctaw - half? A Yes sir.

Q What was the other blood? A Negro.

Q Was she a slave before the war? A No sir.

Q Was she held by any person against her will? A No sir, not as I know of.

Q Wasn't she stolen from Virginia when she thirteen or fourteen?

A Yes sir.

Q That was against her will wasn't it? A Yes sir.

Q And where was she taken? A Brought to Mississippi.

Q And was she held as a slave then? A No sir.

Q How long was she held by this man against her will? A I don't know sir.

Q Did she finally get away from him? A Yes sir.

Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities?

A No sir.

Q Are you married? A No sir.

Q You apply only for yourself? A Myself and two children.

Q What is the name of the oldest? A Ada.

Q How old is Ada? A Six years old.

Q The next? A Ida.

Q How old? A Four.

Q Any others? A No sir.

Q Are you the mother of these children? A Yes sir.

Q Who is the father? A He's dead.

Q What was his name? A Willie.

Q Willie what? A Nailor.

Leona Page, et al 2.

Q He is dead is he? A Yes sir.

Q Were you married to him? A No sir.

Q Do you claim any choctaw blood for these children through their father? A No sir.

Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities for yourself or children in the Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you, or any one for you, in 1896, under the Act of Congress of June 10, 1896, make application for yourself or children for citizenship in the Choctaw Nation, to the Commission to the Five Civilized Tribes? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to the Choctaw tribal authorities or to the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application you have made for yourself or children? A Yes sir.

Q You now seek to be identified as Mississippi Choctaws? A Yes sir.

Q You claim your rights as beneficiaries under Article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name or names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830, and who lived in the old Choctaw Nation in these two states at that time, when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw tribe of Indians? A No sir.

Q Can you give your mother's father's name or your mother's mother's name? A No sir. I can give my mother's mother name?

Q What was her name? A Caroline Brock.

Q What do you know about her being a Choctaw Indian? A I was always taught that she was a Choctaw Indian.

Q Who taught you? A Mother.

Q Learned it in the family? A And old man Hiram Page, his wife.

Q Have you any proof in writing that she was a Choctaw Indian? A Yes sir.

Q Did any of your ancestors, if Choctaw Indians, remove from Mississippi or Alabama and go to the Indian Territory when the other Indians were removed between the years 1833 and 1838? A No sir.

Q If your ancestors did not remove with the other members of the tribe, did they, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent of the Choctaws in Mississippi, and tell him that they intended to remain in Mississippi and become citizens of the United States? A No sir.

Leona Page, et al., #3.

Q Have any of your ancestors, if Choctaw Indians, ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty, or ever received any benefits thereunder? A Yes sir, I have an affidavit.

The joint affidavit of Hiram Page and Mary Page, presented by applicant, received by the Commission, marked Exhibit "A", filed and made a part of the record in this case.

Q Have you any other papers? A No sir.

Q Would you like time in which to introduce further evidence?

A Yes sir.

Permission is granted to the applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant has the appearance of one descended from a negro parentage; she claims 1/4 Choctaw blood; this claim does not seem to be substantiated by her personal appearance, which is that of a negro, except she is not as dark as some full negroes. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.



Leona Page, et al., 4.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*[Signature]*

Notary Public.

COPY.

Muskogee, Indian Territory, April 11, 1903.

Leona Page,

Oak Grove, Mississippi.

Dear Madam:

You are hereby advised that on the 11th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Page, et al., embracing the following applications for identification of Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Junius Page,	M C R 2868

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Junius Page, as Choctaw Indians entitled to rights in the Choctaw lands under

the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Bixby*

Chairman.

Registered.

M.C.R. 2869.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Leona Page,

Oak Grove, Mississippi.

Dear Madam:-

You are hereby notified that on the 3rd day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Page et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Leona Page et al  
R. 2867

DECISION RENDERED. MAR 11 1903

REFER TO M. C. R. 2864

#1081

No.

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name Leona Page

Age 23

Blood 1/4

Post Office, Oak Grove Miss.  
negro. slave.

Father: Frank Page, d.

Mother: Mary Page l.

Claims through mother

Children;

Ada. 6

Ida. 4

Children: Willie Nailor (d.)  
was the father of three illegitimate children.

No claim thro' father.

Claims for self

alone, and

children.

Stenographer B. J. Strick

Choctaw MCR 2870

Monroe Page

MCR 2870

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Monroe Page for the identification of himself and one minor child as Mississippi Choctaws.

Monroe Page, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Monroe Page.  
Q What is your age? A Twenty two.  
Q What is your post office address? A Oak Grove, Mississippi.  
Q How long have you lived at Oak Grove? A Ever since I can remember.  
Q All your life? A Yes sir.  
Q Born there? A Yes sir.  
Q What is your father's name? A Frank Page.  
Q Is he living? A No sir.  
Q What is your mother's name? A Mary Page.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A Mother.  
Q How much do you claim? A A quarter.  
Q What blood did your father have? A Negro, I reckon.  
Q Was he a slave before the war? A I guess so.  
Q What was your mother's blood? A Choctaw.  
Q How much? A Half.  
Q What else? A Negro, I guess.  
Q Was she a slave before the war? A No sir.  
Q Well, she was taken by a white man from Virginia to Mississippi, wasn't she? A So I heard.  
Q And taken as a what; was she taken by force? A I heard she was stolen away from her mother.  
Q Did she become a slave? A No sir.  
Q What did she become,? A Oh! she was stolen by them you know, no sir.  
Q Do you know why she was stolen? A No sir.  
Q How long did she stay stolen? A I don't know sir.  
Q Don't you understand that she was taken as a slave by this person? A No sir.  
Q Was she taken for a wife? A No sir. I don't know.  
Q Was just taken? A Yes sir; that's all I know about it.  
Q And she married to a slave? A I guess she did; he was a slave.  
Q She married your father? A Yes sir; he is been a slave.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities?  
A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Lillian Page.



Monroe Page et al 2.

Q She is a colored woman? A Yes sir.  
Q Do you make any claim for her? A No sir.  
Q Give me the name of your child? A Venie.  
Q How old? A A year and two months.  
Q The next? A That's the only one I have got living.  
Q Is Lillie an the mother of this child? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Have you your marriage license and certificate with you? A No sir, I haven't got them with me.  
Q Were you married by a minister? A Justice of the peace.  
Q And under a license? A Yes sir.  
Q When were you married to Lillian? A In September, I think; the 26th day of September.  
Q What year? A 1898, I believe.  
Q And where were you married? A Oak Grove.  
Q Is your name, or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory?  
Q I don't understand you.  
Q Is your name, or the name of your child on any of the tribal rolls away out in the Territory? A No sir.  
Q Have you ever made application for yourself or child to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.  
Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship, or your child, in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this time for yourself or child to either the Choctaw tribal authorities or the United States authorities to be enrolled or admitted as members of the Choctaw tribe? A No sir.  
Q Is this the first application you have made of any kind? A Yes sir.  
Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and child? A Yes sir.  
Q Do you claim your rights as beneficiaries under the provisions of article 14 of the treaty of 1830? A Yes sir.  
Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.  
Q Can you give the name or names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was ratified? A No sir.  
Q Can you give me the name of your mother's father or mother's mother? A I can give you the name of my mother's mother, I guess.  
Q Your mother's mother? A No sir, my mother's mother's name?  
QA What was her name? A Caroline Brock.  
Q What was her blood? A Choctaw.  
Q Full? A Yes sir.  
Q How do you know? That's what I have been hearing, ever since I could remember.

Monroe Page et al 3.

Q Heard it in the family? A Heard my mother say so, and old man Hiram Page and his wife.

Q Did you ever see her? A No sir.

Q Have you any documentary evidence that she was a full blood Choctaw Indian; have you the affidavit or affidavits of Hiram Page? A Yes sir.

Q Have you any other proof except the affidavits which you will introduce later? A Yes sir.

Q That you intend to introduce? A Yes sir.

Q Did any of your ancestors, if Choctaw Indians, remove from Mississippi or Alabama and go to the Indian Territory with the other Indians between 1833 and 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent, their intention to remain in Mississippi and become citizens of the United States? A No sir.

Q Have any of your ancestors, if Choctaw Indians, ever received or claimed any land in Mississippi from the United States Government as Indians under article 14 of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make now in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A Yes sir.

The joint affidavit of Hiram Page and Mary Page, presented by the applicant, received by the Commission, marked Exhibit "A", filed and made a part of the record in this case.

Q Have you any other evidence you want to present? A No sir.

Q Would you like time in which to introduce further testimony? A Yes sir.

Q

Thirty days time from the date hereof is allowed this applicant in which to file any proper documentary evidence she may have in support of this application.

(This applicant has the appearance of a full blood negro; he does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.)

Monroe Page, et al 4.

The decision of the Commission as to the application you make at this time for the identification of yourself and minor child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*[Signature]*  
Notary Public.

M C R 2870

COPY.

Muskogee, Indian Territory, April 11, 1903.

Monroe Page,

Oak Grove, Mississippi.

Dear Sir:

You are hereby advised that on the 11th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Page, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Page,	M C R 2864
Alex Page, et al.,	M C R 2866
George Page,	M C R 2867
Leona Page, et al.,	M C R 2869
Monroe Page, et al.,	M C R 2870
Julius Page,	M C R 2868

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Page, Alex Page, Maryland Page, Pearl Page, Seab Page, Samuel Page, Eugene Page, Emma Page, Amanda Page, Ether Page, George Page, Leona Page, Ada Page, Ida Page, Monroe Page, Venie Page, and Julius Page, as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Term. Pick*

Chairman.

Registered.

M.C.R. 2870.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Monroe Page,

Oak Grove, Mississippi.

Dear Sir:-

You are hereby notified that on the 3rd day of July , 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Page, et al., of which decision you were advised by registered mail on the 11th day of April, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in charge.

*Monroe Page et al*  
*R, 2870*

DECISION RENDERED. FEB 11 1903

*- 864*

#1082

No

For Identification as a Mississippi Choctaw.

Date JUL 5 1901

Name Monroe Page

Age 22 Blood  $\frac{1}{4}$

Post Office, East Henry Miss  
negro, born

Father: Frank Page, d  
 $\frac{1}{2}$  Choctaw,  $\frac{1}{2}$  negro

Mother: Mary Page, l.

Claims through mother.  
wife, Lillian - negro

No claim for wife.

Children: Venie, 19/2 m

Claims for self  
and child.

Stenographer

R. S. Smith.



Choctaw MCR 2871

Jim Johnson

MCR 2871

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jim Johnson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2571.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Jim Johnson, et al.

(Page)

Original application of Jim Johnson, et al.,  
before the Dawes Commission for identification  
as Mississippi Choctaws .....1

Decision of the Commission refusing the application  
of Jim Johnson, et al., for identification  
as Mississippi Choctaws .....4

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Jim Johnson for the identification of himself and eight minor children as Mississippi Choctaws.

Jim Johnson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Jim Johnson.  
Q What is your age? A Forty.  
Q What is your post office address? A Paden, Mississippi.  
Q How long have you lived there? A About twenty five years.  
Q Where were you born? A I was born in Alabama.  
Q Where in Alabama? A Well, I don't know, exactly; somewhere near Montgomery.  
Q How long did you live in Alabama? A Stayed in Alabama but a short while; I was quite a small boy when I left Alabama.  
Q And then you came to Mississippi? A Yes sir.  
Q And lived here ever since? A Yes sir.  
Q What is your father's name? A I don't know sir.  
Q Is he living or dead? A No sir. I never saw him as I know of.  
Q What was his blood? A He was said to be half Indian.  
Q Do you know anything further? A No sir.  
Q What was his other blood besides Indian then? A Negro, I reckon.  
Q Did you ever hear whether he was a slave or not? A No sir.  
Q What was your mother's name? A Lucy.  
Q Lucy what? A Lucy Johnson, I go by the name of Johnson.  
Q Is she living? A I don't know sir, whether she is or not; I have never seen her since I was a little bit of a fellow.  
Q What was her blood? A She was Indian.  
Q Full blood? A Choctaw Indian, I was told.  
Q Full blood Choctaw? A Yes sir, that's what I have been told - that she was a full blood Indian.  
Q How much Choctaw blood do you claim? A Well, I don't know sir, about three quarters, I reckon. My daddy was half.  
Q You claim your daddy was half Indian? A Yes sir.  
Q And his other blood was what? A I don't know sir; I don't know whether he was mixed with Indian and white or Indian and negro; I suppose he was negro, I reckon.  
Q You don't know whether he was a slave? A No sir, I don't know.  
Q Do you claim Lucy was a full blood Choctaw? A Yes sir.  
Q Was she a slave? A No sir.  
Q Neither of your parents were slaves before the war? A No sir.  
Q Were you a slave before the war? A No sir, I don't remember anything about being a slave.  
Q Do you know, as a fact, whether you were or not? A No sir, I don't remember anything about being a slave or not.  
Q Your parents were living after the war weren't they? A I don't know anything about that; I just can't remember her.

Jim Johnson et al -2.

Q Didn't you live with them? A With my mother, I did.  
Q How old were you when she died? A I was stolen off.  
Q How is it, you don't know anything about your mother or father?  
A I don't know anything about my father.  
Q Why don't you? A Just because I don't.  
Q Well, why don't you? A I was gotten like a heap in those days and times, and I don't know my daddy.  
Q Why don't you know anything about your mother? A I knew my mother.  
Q When did she die? A I don't know what year she died.  
Q Why don't you? A I was stolen off.  
Q Who stole you? A I don't know sir, an old man; he went by the name of Kennedy, when I was a little bit of a fellow.  
Q Wasn't you sold? A No sir.  
Q How did you happen to be stolen? A This old gentleman, I suppose; that's the way I was told -- he slipped me off.  
Q Who? A An old gentleman by that name?  
Q A white man? A Yes sir.  
Q Slipped you away from your mother? A Yes sir.  
Q How old were you? A I might have been some four or five years.  
Q How did it happen that this white man came and slipped off with you? A I don't know sir.  
Q Were they doing those things in those days? A I have heard of the like being done.  
Q They stole them for slaves? A I don't know sir.  
Q Didn't you ever hear that they did? A Stole them for slaves?  
A Yes sir; and then make slaves of them? Where did you go to?  
A From Alabama right to Mississippi.  
Q Did they turn you loose? A No sir, I run away from them, after I got big enough to sarter know that I was a free agent; I just didn't have anybody to take me or nothing, and I run off.  
Q How old were you when you run away from him? A I suppose I was somewhere about eight or nine years old.  
Q You say as soon as you found out you were a free agent; do you mean before that you were not a free agent and were a slave; you were held against your will, weren't you? A Well, I was -- I just called it that way - that I was with my parents like you know - and I run off from him and left and then been in Mississippi ever since.  
Q How old were you when you left your mother? A I don't know sir; I don't know how old.  
Q Give me an idea? A I might have been five or six years old, but I was quite small.  
Q Are you sure you were either five or six, or at least, very small when you were taken from your mother? A Yes sir.  
Q There is no question about that, is there? A No sir.  
Q Did you ever see her again? A No sir.  
Q And never heard of her since? A No sir.  
Q And never did see your father? A No sir.  
Q Now, at five or six years of age, and no older than that, you saw your mother for the last time, and never did see your father, and yet you come here before the Commission and undertake to tell them just how much Choctaw blood your father had and your mother had? A That's what I was told.

Jim Johnson et al 3.

Q Who told you? A Other people.

Q What other people? A Other people that seed them - my other people.

Q When was that? A That was when I was with this man that stole me off.

Q Did these people that said they knew your people say that your people were slaves? A No sir.

Q Did they tell you that they were both free? A No sir, I haven't heard them say anything about that.

Q You never heard them say anything about whether they were slaves? A No sir.

Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, not as I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Bessie.

Q What is her blood? A She is a negro.

Q Do you claim for her? A No sir.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.

Q How many have you? A Eight.

Q Give me the name of the oldest? A Cora.

Q How old? A 16.

Q The next? A George.

Q How old? A He is 15.

Q The next? A Callie.

Q How old? A 13.

Q The next? A Ella.

Q How old? A She is 11.

Q The next? A Caroline.

Q How old? A She's ten years old.

Q The next? A Cleveland.

Q How old? A Eight.

Q The next? A Arthur.

Q How old? A 6.

Q The next? A Armer.

Q Is that a boy or girl? A A girl.

Q How old? A Four.

Q The next? A That's all.

Q Is Bessie, your wife, the mother of these children? A Yes sir.

Q Are you the father? A Yes sir.

Q Are they living with you at your home? A Yes sir.

Q Have you your marriage license and certificate with you? A No sir.

Q Did you marry under a license and by a minister? A No sir, by a justice of the peace.

Q But you had a license? A Yes sir.

Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for yourself or children to be enrolled as members of the Choctaw tribe? A No sir.

Q Did you, or any one for you, in 1896, or for your children, at that time under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Jim Johnson, et al., #4.

Q Have you ever been admitted to citizenship in the Choctaw Nation or your children by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to either the Choctaw tribal authorities, or the United States authorities for citizenship in the Choctaw Nation? A No sir.

Q Is this the first application you have made of any kind? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you make this claim as beneficiaries under article 14 of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and who lived in the old Choctaw Nation in Mississippi and Alabama at that time? A No sir.

Q Can you give your mother's father's name? A No sir.

Q Or your mother's mother's name? A No sir.

Q Or your father's father? A No sir.

Q Or your father's mother? A No sir.

Q Have you any proof that any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir, not that I know of.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent of the Choctaws in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under Article 14 of the treaty of 1830? A No sir. None that I know of.

Q Do you speak the Choctaw language? A Yes sir, I think I can a little.

Q Are there any additional statements you want to make in support of this application? A No sir, I believe not.

Q You couldn't carry on a conversation with an Indian? A No sir.

Q You know just a few words? A Yes sir.

Q Have you any documentary, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the fourteenth article of that treaty or ever received any benefits thereunder? A No sir.

Q Would you like time in which to introduce evidence? A

A.W.Tretter, attorney for applicant, asks leave to file documentary evidence in support of this application within a period of thirty days from the date hereof.



Jim Johnson, et al #5.

Permission is granted to the attorney for applicant to file any proper documentary evidence in support of this application within a period of thirty days from the date hereof.

(This applicant has the appearance of a person descended from a mixed ancestry composed of negro and Indian blood in which the negro seems to predominate; he has straight black hair, eyes more like an Indian than a colored man, high cheek bones, and has evidence of mixed blood which he claims to be Indian. His appearance, however, does not bear out the statement that he is three quarters Choctaw. He has a very small knowledge of the Choctaw language, a knowledge of a few words, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the Fourteenth Article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and eight minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty first section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*

*[Signature]*  
Notary Public.

J. T. W.  
C. W. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Jim Johnson, et al.,  
for identification as Mississippi Choctaws, N.C.R. 8571.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jim Johnson for himself and his eight minor children, Bern, George, Gullie, Ella, Caroline, Cleveland, Arthur and Arner Johnson, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between



the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Lucy Johnson, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lucy Johnson signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (3 Stats., 180) and August 23, 1842 (5 Stats., 315).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim

Johnson, Vera Johnson, George Johnson, Callie Johnson, Ella Johnson, Caroline Johnson, Cleveland Johnson, Arthur Johnson and Arner Johnson, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*James D. Kirby.*

Acting Chairman.

(SIGNED).

*T. D. J. J. J. J.*

Commissioner.

(SIGNED).

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

OCT 28 1902

COPY.

M.C.R. 2871

Muskogee, Indian Territory October 28, 1902.

Jim Johnson,

Peden, Mississippi.

Dear Sir:-

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Johnson, et al., applicants for identification as Mississippi Choctaws.

This decision was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Johnson, Cora Johnson, George Johnson, Callie Johnson, Ella Johnson, Caroline Johnson, Cleveland Johnson, Arthur Johnson and Arner Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

J J -2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*C. H. Erickson*  
Commissioner in Charge.

Registered.

COPY.

M.C.R. 2871.

Muskogee, Indian Territory October 28, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Johnson, Cora Johnson, George Johnson, Gullie Johnson, Ella Johnson, Caroline Johnson, Cleveland Johnson, Arthur Johnson and Armer Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant

M M & C-2

in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Commissioner in Charge.

COPY.

K.C.R. 2871.

Muskogee, Indian Territory October 28, 1902.

A. W. Trotter,

Attorney at Law.

Shubuta, Mississippi.

Dear Sir:-

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Johnson, Cora Johnson, George Johnson, Callie Johnson, Ella Johnson, Caroline Johnson, Cleveland Johnson, Arthur Johnson and Armer Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are farther advised that the principal applicant

A W T -2

in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.



Miss. Choctaw 1871  
Miss. Choctaw K2871

Muskogee, Indian Territory, November 12, 1902.

A. W. Trotter,

Shubuta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 8, asking if the Jim Johnson, M.C.R. 2871 is Jim Johnson, of Sterling Mississippi, whose children are Gora Shurley, Houston and Riley Johnson, minors.

In reply to your letter you are advised that it appears from our records that Jim Johnson who appears on M.C.R. 2871, is Jim Johnson, of Paden, Mississippi, forty years of age, whose wife is Bessie Johnson, and who has eight minor children, Gora, George, Callie, Ella, Caroline, Cleveland, Arthur and Armer Johnson. Decision was rendered in this case refusing the said application, on October 28, 1902, and you were duly notified thereof on the same date and of the fifteen days allowed from that date for the filing of argument for the consideration of the Secretary of the Interior through the Commissioner of Indian Affairs.

The Jim Johnson of Sterling, Mississippi, to whom you refer, on April 13, 1902, made application to the Commission for the identification of himself and his two minor children, Riley and

443  
Feb. 2

Houston Johnson as Mississippi Senator, and he appears as Missis-  
sippi Senator since 1890. No decision nor opinion has yet been rep-  
orted relative to the rights of these applicants as Mississippi  
Senators.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 2871.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jim Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

The Commission has the honor to report that the principal applicant in this case, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

THOMAS

Thomas S. Sledge

Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
1 enclosure, M C R 2871.

Copy

Department of the Interior  
Office of Indian Affairs.

Land  
68,335-1902.

Washington. Jan. 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Jim Johnson, for himself and his eight minor children, Cora, George, Callie, Ella, Caroline, Cleveland, Arthur and Armer Johnson, wherein a decision adverse to the applicants was rendered by the Commission on October 28, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from.....the father and grandfather of the applicants whose name they do not know and from their mother and grandmother, Lucy Johnson. The applicants claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their mother, through whom they claim, did not appear among the

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Lucy Johnson, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

Commissioner.

(E. B. H.)

P.

DC-4315-1903.

Department of the Interior.

BAF

Washington.

ITD.916-1903.

February 9, 1903.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Jim Johnson and his minor children, Cora, George, Callie, Ella, Caroline, Cleveland, Arthur and Armer Johnson, including your decision of October 28, 1902, adverse to the applicants.

The applicants endeavor to trace their descent from one Lucy Johnson, who is alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Lucy Johnson complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting in the matter January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

-2-

The Department has reviewed the whole record, and  
hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Chairman.

1 inclosure.

COPY.

M.C.R. 2271

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McSurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jim Johnson, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

*Tame Bixby.*

Chairman.

1



COPY:

M.C.R. 2371

Muskogee, Indian Territory, February 21, 1903.

A. W. Trotter,  
Attorney at Law,  
Shubuta, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jim Johnson, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

*James P. Birney*

Chairman.

M.C.R. 2871

COPY.

Muskogee, Indian Territory, February 21, 1903.

Jim Johnson,

Paden, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jim Johnson, et al., of which decision you were advised by registered mail on the 26th day of October, 1902.

Respectfully,

(SIGNED).

*Tame Dixie*  
Chairman.

John Johnson et al.

REFUSED

ATTORNEY USA MEMPHIS

MOOTAW AND OKASAW NATIONS

RECORDS DEPARTMENT

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WARDED AFRICAN

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RECEIVED ACTION

1083

No

For Identification as a Mississippi Choctaw.

Date

JUL 5 1901

Name

Jim Johnson

Age

40

Blood

3/4

Post Office,

Peden, Miss.

Father:

don't know, but know

Mother:

Lucy Johnson, don't know

Claims through

both parents.

Wife - Bessie, negro.

No claim for wife.

Children:

Cora

16

George

15

Callie

13

Ella

11

Caroline

10

Cleveland

8

Arthur

6

Armer (que)

4

Claims for self &  
Children:

Stenographer

R. S. Strick

Choctaw MCR 2872

Tronie Jim

MCR 2872

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----  
In the Matter of the Application of Fronie Jim for  
Identification as a Mississippi Choctaw.

M. C. R. 2872.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Fronie Jim for  
Identification as a Mississippi Choctaw.

M. C. R. 2872.

- - I N D E X . - -

Original application of Fronie Jim for identifica- tion as a Mississippi Choctaw.....	1
Decision of the Commission identifying said applicant .....	4.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Fronie Jim for  
identification as a Mississippi Choctaw.

Fronie Jim, having been first duly sworn, upon her oath  
states as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A ~~Frontax~~ Fronie Jim.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Paulding, Mississippi.  
Q How long have you lived at Paulding? A All my life.  
Q Born there? A Yes sir.  
Q What is your father's name? A Jim.  
Q Any other name? A Jim Lewis.  
Q Has Jim Lewis ever appeared before the Commission? A Yes.  
Q Is Jim Lewis living? A Yes sir.  
Q Is he a full blood Choctaw Indian? A Yes sir.  
Q What is your mother's name? A Betsie; she is dead.  
Q Was she a full blood Choctaw Indian? A Yes sir.  
Q You claim to be a full blood Choctaw Indian? A Yes sir.  
Q Do you claim your Choctaw blood through both your father and  
mother? A Yes.  
Q Have your parents, through whom you claim your right to be  
identified as a Mississippi Choctaw, ever been recognized in any  
manner or enrolled as members of the Choctaw tribe of Indians  
by either the Choctaw tribal authorities or the United States  
authorities? A No.  
Q Are you married? A No.  
Q Have you any children you want to make application for? A No.  
Q Do you make application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities  
in Indian Territory to be enrolled as a member of that tribe?  
A No sir.  
Q Did you, or any one for you, in 1896, make application to the  
Commission to the Five Civilized Tribes for citizenship in the  
Choctaw Nation? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by either the Choctaw tribal authorities, the Commission to the  
Five Civilized Tribes or by the United States Court in Indian  
Territory? A No.  
Q Have you ever made application before this time to either the  
Choctaw tribal authorities or to the authorities of the United  
States to be admitted or enrolled as a citizen of the Choctaw  
Nation? A No.  
Q Is this the first application you have made of any kind?  
A Yes.  
Q Is it now your purpose to make application for identification  
as a Mississippi Choctaw? A Yes.



Prone Jim, 2.

- Q Do you make this claim as a beneficiary under article 14 of the treaty of 1830? A Yes.
- Q Have either you or your ancestors ever received any benefits as Choctaw Indians? A No.
- Q Can you give the name of your ancestor, or ancestors who were recognized members of the old Choctaw Nation in Mississippi and Alabama, and who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians? A No.
- Q Can you give the name of your grand father or grand mother on your father's side or your mother's side? A Grand mother named Polly.
- Q Was Polly the mother of Jim Lewis or Betsie Lewis? A Mother's side.
- Q Can you give me the Indian name of your father or mother, or grand father or grand mother? A Grand father named Lewis.
- Q That is an English name, but can you remember the Indian name of your grand father or grand mother? A I don't know.
- Q Did any of your ancestors ever get any land from the Government of the United States? A No.
- Q Did any of your ancestor's go from the territory occupied by the Choctaw Nation in Mississippi and Alabama out into the Indian Territory where the Choctaw Nation is now, when the other Indians went there, between 1833 and 1838? A I don't know.
- Q Did any of your ancestors - I mean your father or mother, grand father or grand mother, great grand father or great grand mother, signify to the United States Indian Agent in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek, their intention to remain in Mississippi and become citizens of the United States? A No.
- Q Have any of your ancestors received any land from the government as beneficiaries under article 14 of the treaty of 1830? A I don't know.
- Q Do you speak English at all? A No.
- Q Do you talk Choctaw all the time? A Yes.
- Q Do you want to say anything more about your claim? A No.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the 14th article of that treaty, or ever received any benefits thereunder? A No.

(This applicant has the appearance and every one of the characteristics of a full blood Choctaw Indian. She does not speak or understand the English language, her examination having been conducted through a sworn Choctaw interpreter. She has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.)

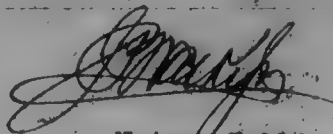
Fronie Lewis, #1.

The decision of the Commission as to the application you make at this time for identification as a Mississippi Choctaw will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings insaid cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.



Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*CW*

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In the Matter of the Application of Fronie Jim for  
Identification as a Mississippi Choctaw.

M. C. R. 2872.

- - D E C I S I O N . - -

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on July 5, 1901, by Fronie Jim, for herself, under the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902 (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll".

It is, therefore, the opinion of this Commission that Fronie Jim should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

COPY:

M.C.R. 2872

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Fronie Jim as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Fronie Jim as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED,

*Tammie Dixie*  
Acting Chairman.

Registered.  
Enc. H.M.V. 7

H.C.R. 2872

Muskogee, Indian Territory, March 11, 1903.

Fronie Jim,  
Paulding, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Jame Bixby*

Chairman.

Registered.

Enc. 2872.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Fronie June*

DECISION

copy

to

file

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

#1084

No. 2872

For Identification as a Mississippi Choctaw.

Date Jul. 5 1901

Name *Thonie Jim*

Age 25 Blood *full*

Post Office, *Paulling, Miss.*

Father: *Jim Lewis f.b. d*

Mother: *Betsy " f.b. d*

Claims through *both parents.*

~~Children:~~

*Claims for self  
alone.*

Stenographer *R. J. Streit*



Choctaw MCR 2873

Hattie Sturdevant

MCR 2873

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Hattie Sturdevant, et  
al., for identification as Mississippi Choctaws, M.C.N. 2573.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Hattie Sturdevant, et al.

(Page)

Original application of Hattie Sturdevant, et al.,  
before the Dawes Commission for identification as  
Mississippi Choctaws .....1

Decision of the Commission refusing the application  
of Hattie Sturdevant, et al., for identification  
as Mississippi Choctaws .....6

-----

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Hattie Sturdevant  
for the identification of herself and one child as Mississippi  
Choctaws.

Hattie Sturdevant, having been first duly sworn, upon  
her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Hattie Sturdevant.  
Q What is your age? A My age - I don't know exactly, about twenty  
one.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A I don't know exactly,  
about nine years.  
Q Where were you born? A I was born in Mississippi, up above  
Brocksville.  
Q And you have always lived in Mississippi? A Yes sir.  
Q And come from there to Meridian? A Yes sir.  
Q What is your father's name? A His name was Anthony Connor.  
Q Is he living? A No sir.  
Q What is the name of your mother? A A Dilsie Connor.  
Q Is she living or dead? A Dead.  
Q Through which one of your parents do you claim Choctaw  
blood? A My grand mother.  
Q But which parents; your father or mother? A My mother.  
Q How much do you claim? A One quarter.  
Q If you claim one quarter, how much did your mother have? A I  
don't know sir, how much she had.  
Q What was your father? A I don't know sir; I don't remember my  
father, but I remember his name.  
Q Was he a slave before the war? A Yes sir.  
Q Was he a colored man? A Yes sir, I guess he was.  
Q Was your mother a slave before the war? A Yes sir.  
Q And what was her other blood besides Choctaw? A Negro blood,  
I reckon.  
Q Has your mother, through whom you claim your right to identi-  
fication ever been recognized in any manner or enrolled as  
a member of the Choctaw tribe of Indians by the Choctaw tribal  
authorities or the United States authorities? A No sir, I don't  
think she was.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A His name is Charley Sturdevant.  
Q Were you married recently to him? A Yes sir.  
Q Do you remember the date? A This last gone Thursday night  
was two weeks ago.  
Q You were married in this month? A No, this last gone Thursday  
night was two weeks ago.  
Q About the middle of June? A Yes sir.  
Q Was he a full blood? A Yes sir.  
Q You have no children by him, have you? A No sir.  
Q Have you any children at all that you want to make application  
for? A Yes sir.

Hattie Sturdevant, et al., #2.

- Q What is the name of your children? A Her name is Quinola Cotton.
- Q How old is Quinola Cotton? A I don't know sir, exactly, unless she is about - she was born about the month before Christmas.
- Q How many years ago? A About eight as near as I can remember.
- Q Who is the father of Quinola Cotton? A Hiram Cotton.
- Q Is he a colored man? A Yes sir.
- Q Is he living? A No sir, he is dead.
- Q Were you married to Hiram Cotton? A Yes sir.
- Q When and where were you married to him? A Here in Meridian.
- Q On what date? A I don't know sir.
- Q Married by a minister? A Yes sir.
- Q Under a license? A Yes sir.
- Q Is this child living with you now at your home? A Yes sir.
- Q Is your name, or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you send to the Territory and have your names put on the roll there? A I guess Mr. Charley has.
- Q Well, Charley may have, but did you ever? A No sir.
- Q Have you ever made application for yourself or child to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir, not before.
- Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and this child under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship, or your child, in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself and child for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the United States authorities? A No sir.
- Q Is this the first application of any kind you have made? A Yes sir.
- Q Is it now your purpose to make application for yourself and child for identification as Mississippi Choctaws? A Yes sir.
- Q When was the first time you learned you had Choctaw blood? A I have been knowing it a good while, but I never did come up here before. Uncle told me a long while ago that I had Choctaw blood in me.
- Q Explain, if you can, how it happens that your father, Anthony Cotton and your mother, Dilcie Cotton were slaves, if you claim they or either of them were slaves; how was it they were slaves and had Indian blood? A I don't know sir, whether they were slaves or not; I said I reckoned they were.
- Q You think they were don't you? A Yes sir.
- Q Could they have been slaves and Indians at the same time? A I don't know sir.
- Q Do you know sure that they both had negro blood? A Yes sir.
- Q As a matter of fact, if a person's parents were slaves before the war, isn't that a matter that is known in the family by the children? A I don't know sir.
- Q Do you believe that there are any children now living whose parents used to be slaves, that those children don't know, haven't heard about it? A Some is; I wasn't large enough.

Hattie Sturdevant, et al., #3.

Q Do you claim your right to be identified, together with your child, as Mississippi Choctaws as beneficiaries under article 14th of the treaty of 1830? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were recognized members of the Choctaw tribe of Indians and residents of the old Choctaw Nation in Mississippi and Alabama in 1830, at the time of the ratification of the treaty of Dancing Rabbit Creek between the United States and the Choctaw Indians? A No sir, I disremember; I can't give you my mother's name and my father's name, well that's as far back as I can go.

Q Don't you think you could show who your ancestors were farther back if you was given time? A I don't know sir, I expect so.

Q But as a matter of fact you don't know now who they were? A No sir.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi and Alabama to the Indian Territory with the other Indians when they went to the Territory between 1833 and 1838? A No sir, if they did I don't know it.

Q Did any of your ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, who then resided in Mississippi, and tell him that they wanted to stay in Mississippi and intended to become citizens of the States? A No sir.

Q Did any of your ancestors ever receive any land in Mississippi from the Government as Choctaw Indians under article 14 of the treaty of 1830? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of this application? A No sir, I reckon now.

Q Have you any documentary evidence you would like to introduce in support of your application? A No sir.

Q Would you like time in which to introduce documentary evidence in support of this application? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file any proper documentary evidence in support of this application.

(Applicant excused.)

Sam Davis, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examined by the Commission.

Q What is your name? A Sam Davis.

Q What is your present residence? A I lives right here in Meridian.

Q How old are you? A I 'll soon be sixty three years old.

Q What is your occupation? A Well, I works all about here, about Miss Brook's; I waits on W.C. Brooks now.

Hattie Sturdevant, et al., #4.

Q What do you do for him? A I drive his cow, catch his horse, h hitch up his buggy and all like that.

Q Were you a slave before the war? A Yes sir.

Q Do you know this applicant, Hattie Sturdevant? A Yes sir, I know her.

Q She has come before the Commission claiming rto be descended from a Mississippi Choctaw ancestors; what do you know about that? A Well, I 'll tell you what I know about it; you know she was quite young at the time it was going on, but I know her grand mother was a full Indian, because she lived ---

Q Whose mother? A Dilsie Cotton's mother, or Anthony Cotton's mother. Rachael was his mother, but she don't claim anything through that line at all. She claims through her mother.

Q Now what was her mother's mother's name? A Wait! I am getting that thing twisted; you are pulling me too fast right now; her mother's mother, that was Rachael.

Q Rachael was her mother's mother? A Yes sir, that's Hattie's grand mother.

Q How much Choctaw blood did her mother have, Dilsie? A I couldn't exactly tell you how much she had.

Q Did she have any? A She ought to have had right sharp Indian about her, though; everybody don't understand and folks you know - so many to talk to, you don't know one half the time what is so.

Q Well, what do you think About Dilsie, her mother, having any Choctaw blood? A Well, I think.

Q You think it is a little doubtful don't you? A Well, I say this about it, she may have some about her; she ought to have some.

Q Did Dilsie look a good deal like a negro woman? A Well, not altogether; you know how the thing goes; some felks you know look like negroes and some don't.

Q Did she? A No sir, she didn't look like a full blood negro

Q She didn't? A No sir.

Q Could you swear how much Choctaw blood her mother had? A Well, I couldn't'tactly swear, but it looks like her mother was - her grand mother - you know of course, that would be for you to judge of any other person. Well, you know a child that way ought to be about two thirds, oughtn't it.

Q Her grand mother, you know her? A Yes sir, knew her.

Q Did she talk Choctaw? A Yes sir, she wasn't a slave, but she lived out in the prairie in a house, you know.

Q Did she speak Choctaw? A Yes sir, she talked just like these others; you couldn't understand her; you know how folks do --- you know they couldn't understand what she said.

Q How did she look? A Just like one of them now.

Q Tell me about her hair? A She had hair like these others, always wore it back here.

Q But was it straight or curly? A Straight.

Q Like that Indian woman's there? A Yes sir.

Q How long was it? A She could through her head back and it would be on her shoulders.

Q Wasn't it curly? A It would be so curly without, you know how anybody's hair is.

Q

(This applicant has the appearance of one descended from negro parentage; she has rather a light complexion, which would indicate a strain of white blood. Her appearance

Hattie Sturdevant, et al., #5.

would indicate a mixture of white and negro, rather than Indian and negro, but her testimony is that she has no white blood but has Indian blood. The negro characteristics are very prominent. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article 14 of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and one minor child as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,  
this 3rd day of August, 1901.

*R. S. Streit*  
Notary Public.



COPY

*Mr. Cow*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Hattie Sturdevant, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2873.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Hattie Sturdevant for herself and her minor child, Quinola Cotton, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Rachel, who is alleged to have been a full blood Choctaw Indian.



-4-

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is found that the name of one Rachael appears on page 406, Volume 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims, No. 12742, in "a tabular statement of cases arising under the fourteenth article of the treaty of 'Dancing Rabbit Creek' adjudicated by the board of Commissioners constituted by the act of Congress of 23rd August, 1842" as a child of A-pa-li-ab-o-ka over ten years of age at the date of the treaty. Also on page 652, of said volume in Abstract A (rejected cases), as a child of claimant Tick-ban-bee under ten years of age at the date of the treaty; but there is nothing in the evidence submitted by the applicants herein tending to show that the Rachael through whom they claim is identical with either of the Rachael's whose names appear in the record cited.

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rachael

through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to the Commission authorized to adjudicate such claims by the act of Congress approved March 3, 1837 (5 Stats. 180).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hattie Sturdevant and Quinela Cotton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Jams Bixby.

Acting Chairman

SIGNED

T. B. Needles.

Commissioner

SIGNED

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

DEC 6 1902

COPY.

M. C. R. 2873

Muskogee, Indian Territory, December 5, 1902.

Hattie Sturdevant,  
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hattie Sturdevant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hattie Sturdevant and Quinola Cotton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

2 3 2.

case, together with such arguments, will be forwarded for review  
to the Secretary of the Interior through the Commissioner of  
Indian Affairs.

respectfully,

(SIGNED)

*Tamie Dixby.*

Acting Chairman.

Registered.

COPY.

M. C. R. 2873

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Hattie Sturdevant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hattie Sturdevant and Quinola Getten as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James D. Kirby*

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Hattie Sturdevant, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Tame Dixey*

Through the  
Commissioner of Indian Affairs.

Acting Chairman.

Enc., M.C.R. 2873.

Land.  
76211-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, March 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Hattie Sturdevant for herself and her minor child, Quinola Cotton, for identification as Mississippi Choctaws claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from one Rachael who, it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through her daughter, Delsie Connor or Cotton, mother of the principal applicant.

The Commission rejected the applicants December 5, 1902, because they had never been enrolled as citizens of the Choctaw Nation, and for the reason that the evidence herein is insufficient to establish the identity of the Rachael through whom they claim with the parties that appear on their records, as follows:

"It is found that the name of one Rachael appears on page 406, volume 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims, No. 12742, in a tabular statement of cases arising under the 14th article of the treaty of Dancing Rabbit Creek adjudicated by the board of Commissioners constituted by the act of Congress of 23d August 1842, as a child of A-pa-liah-oka, over ten years of age at the date of the treaty; also on page 652 of said volume in abstract A (rejected cases) as a child of claimant Tick-bam-bee, under ten years of age at the date of the treaty."

An examination of the records of this office has been made with reference to the name of Rachael and it is discovered that her name does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; but there was a Rachel, child under ten of Tick-bam-bee, applicant who was rejected, but the name is spelled differently and there is nothing in the testimony to identify the Rachael claimed under with this Rachel.

This being the case it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

C.T.C.(S)



D.O. 16740-1903.  
I.T.D. 3264-1903.  
L.R.S.

C O P Y.  
EAF.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

April 13, 1903.

Commission to the Five Civilized Tribes,  
Muskegee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Hattie Sturdevant and her minor child, Quinola Cotton, including your decision of December 5, 1902, refusing the application.

The applicants claim to be descendants of one Rachael, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that the said Rachael or a less remote ancestor of the applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting March 26, 1903, recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the entire record, and, finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed)

Thos Ryan

Acting Secretary.

1 inclosure.

COPY

M.C.R. 2873.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Hattie Sturdevant, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

YB:GN

*Tamie Bibby.*  
Chairman.

COPY.

M.C.R. 2873

Muskogee, Indian Territory, April 27, 1903.

Hattie Sturdevant,  
Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 13th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Hattie Sturdevant, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

NEBN

*Jane Birby.*  
Chairman.

*Hattie Sturdevant et al.*

**REFUSED**

DECISION RENDERED. **DEC 7 1902**

NOTICE OF DECISION MAILED APPLICANT. **DEC 5 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS. **DEC 5 1902**

RECORD FORWARDED DEPARTMENT. **DEC 22 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR. APR 13 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS. **APR 27 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT. **APR 27 1903**

**DECISION PREPARED**

#1085

No

For Identification as a Mississippi Choctaw.

Date

JUL 5 1901

Name

Hattie Sturdevant

Age

21 -

Blood

1/2

Post Office,

Meridian, Miss

Father:

Anthony Connor, d

Mother:

Wilie "d

Claims through

mother  
Husband  
Charley Sturdevant, f.b.

Children:

Quinola Cotton, 8.

Liam Cotton, father of  
this child, negro - (d)  
Legitimate child -

Claims for self &  
child.

Stenographer

R. S. Strick.

UNITED TRIDES.  
F A I L  
JAN 21 1903

ACTING CHAIRMAN

REGISTERED  
JAN 21 1903  
MUSKOGEE, IND. TER.

DLJ - 110

REGISTERED  
JAN 31 1903  
MUSKOGEE, IND. TER.

PLANTED TREES.

PLANTED TREES.

JAN 31 1903





4775

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Hattie Sturdevant,

Meridian, Mississippi.

*Returned to  
writer  
Unclaimed*

Choctaw MCR 2874

Washington A. Hagerby

MCR 2874

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 5, 1901.

In the matter of the application of Washington A. Hagerby  
for the identification of himself as a Mississippi Choctaw, and also  
for his minor son,

Washington A. Hagerby, having been first duly sworn,  
upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Washington A. Hagerby.
- Q What is your age? A Forty.
- Q What is your post office address? A Sucarnoochee, Mississippi.
- Q How long have you lived there? A I lived there about fourteen years. I stayed there four years and since that I went off and stayed about thirteen years.
- Q Where were you born? A I was born in west Kemper, about sixteen miles beyond DeKalb.
- Q Did you ever live in any other State except Mississippi? A Yes sir.
- Q Where? A I have lived in Alabama, Arkansas and been living several places.
- Q Been traveling about? A Yes sir.
- Q What has been your business? A Carpenter.
- Q Have you lived in Mississippi continuously? A I lived in Mississippi up until I was about eleven years years old. Little older than that - about seventeen years.
- Q And then you went to Arkansas? A Went first to Alabama. And then to Arkansas and back to Mississippi.
- Q How long have you lived in Mississippi continuously? A The 20th of this month will be two years since I come back.
- Q Where did you come from? A Arkansas.
- Q How long did you live in Arkansas before you came here?? A About eight years; I went in 1892 and stayed until 1899.
- Q Is this your home now? A Yes sir.
- Q What is your father's name? A Alex Hagerby.
- Q Is he living? A No sir, he is dead.
- Q What is your mother's name? A Mary J.
- Q Is she living? A No sir, she is dead.
- Q Through which one of these parents do you claim Choctaw blood?
- A My father.
- Q Were either of your parents ever ~~recognized~~ slaves before the war? A My mother was; I know in reason that she was.
- Q And was she a negro woman? A Yes sir.
- Q How about your father? A He was a whole Indian.
- Q Was he a full blood? A Yes sir.
- Q Were you a slave before the war? A No sir.
- Q How much Choctaw blood do you claim? A Half blood.
- Q Has your father, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled by the Choctaw tribal authorities as a Choctaw Indian in Indian Territory? A I don't know whether he was or not.
- Q Do you know whether he was recognized by the authorities of the United States as an Indian out there? A No sir, I don't know that.

Washington A. Hagerby, 2.

- Q Are you married? A Yes sir.
- Q Is your wife living or dead? A She's living.
- Q I want the name of your wife, who is the mother of your minor child? A Her name was Catherine.
- Q Is she dead? A Yes sir.
- Q What was her blood? A She was a Creek Indian.
- Q And she is dead? A Yes sir, she's dead.
- Q And was she the mother of your minor son? A Yes sir.
- Q What was his name? A George W.
- Q How old is he now? A He's going on 19.
- Q You claim that he is part Choctaw through you, and part Creek blood through his mother, Catherine? A Yes sir.
- Q Were you married to your wife Catherine by a minister and under a license? A Yes sir.
- Q When and where were you married to her? A In DeKalb.
- Q Have you your marriage license and certificate with you now? A No sir.
- Q Have you any other proof than your own statements of your marriage to your wife, Catherine? A Down in DeKalb.
- Q You want to prove your marriage to your wife, Catherine, in order to make your claim for your son good? A Yes sir.
- Q Is your name, or the name of your son, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for yourself or son to be enrolled as members of that tribe? A No sir.
- Q Did you, or any one for you, in 1896, or for your son, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your son, by either the Choctaw tribal authorities, by the United States authorities or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time? A No sir.
- Q For yourself or son to either the Choctaw tribal authorities, or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Is this the first application of any kind you have made? A Yes sir.
- Q Is it now your purpose to make application for the identification as Mississippi Choctaws for yourself and child? A Yes sir.
- Q Do you make this claim as beneficiaries for yourself and him under article 14 of the treaty of 1830? A I don't know.
- Q The treaty of 1830, was a treaty between the Choctaw Indians and the United States Government; it was called the treaty of Dancing Rabbit Creek, because it was made at that place, and it provided for the removal of the Choctaw Indians in Mississippi and Alabama to the Indian Territory. Some of the Indians refused to go, and in order to protect their interests at that time, article 14 was put into the treaty, and it provided that these Indians could stay if they wished, in Mississippi, but in order for their interests to be protected and their descendants interests it was required by that article that they go before the Indian Agent within six months after the ratification of the treaty, and tell him that they intended to stay in Mississippi and take land in Mississippi and wanted to become citizens of the United

Washington A. Hagerby, et al., vs.

States; in other words, it was to break off all their tribal relations, and a declaration of their intention to become citizens of the United States. Do you claim under that article of that treaty as a descendant of a Mississippi Choctaw? A Yes sir.

Q Have you or your ancestors ever received any benefits as Choctaw Indians? A I think my father said something about receiving some kind.

Q What did he say he received? A That's been so long, somewhere about four hundred dollars.

Q He received some money? A Yes sir.

Q In Mississippi or the Territory? A I don't know where he got it at.

Q What was his Indian name, or did he have any? A I don't know what you mean.

Q Well, Alex Hagerby is an English name; now did you ever hear him go by an Indian name? A No sir.

Q Have any of your ancestors ever had Indian names that you know of? A No sir.

Q Can you give the names of any of your ancestors who were recognized members of the Choctaw tribe of Indians in 1830, and were living in the old Choctaw Nation in Mississippi and Alabama? A No sir.

Q Did any of your ancestors go from Mississippi to the Indian Territory with the other Indians between 1853 and 1838? A I don't know sir, whether they did or not.

Q Did any of your ancestors, within six months after the ratification of the treaty of 1830, go to the Indian Agent and tell him that they wanted to stay in Mississippi, didn't want to go to the Indian Territory and become citizens of the United States? A No sir, I don't recollect.

Q Do you remember whether any of your ancestors, ever received or claimed any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A No sir.

Q Can you speak the Choctaw language? A No sir. I used to could speak a few words of it.

Q Did you ever associate with the Indians? A A little when I was small.

Q You say your mother was a slave before the war? A Yes sir.

Q Your father was a whole Indian? A Yes sir.

Q Do you remember your father? A Yes sir.

Q How did he look? A Just about like I look, only he was bald headed.

Q Was his hair long like yours? A He didn't have any hair at all.

Q How was his nose, wide or thin? A Wide.

Q How were his lips, thick? A Yes sir.

Q Was his color dark, or darker than yours? A Red.

Q Yours is not red? A No sir.

Q Are there any additional statements you want to make in support of your application? A No sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors were in 1830, when the treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or ever received any benefits thereunder? A Yes sir.

Washington A. Hagerby, et al. #4.

Joint affidavit of H.A. Hooper and Frank Garwood, presented by applicant, received, marked Exhibit "A", filed and made a part of the record in this case.

Q Have you any other evidence you wish to introduce? A No sir.  
Q Do you want time in which to introduce other evidence? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file any proper documentary evidence in support of this application.

(This applicant has the appearance and characteristics of one descended from a mixed ancestry of negro and Choctaw blood, in which the Choctaw characteristics are quite marked; he has high cheek bones, and his color and hair, which though not absolutely straight, is not the curly thick hair of a negro; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.)

The decision of the Commission as to the application you make at this time for the identification of yourself and minor son as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of July, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 3rd day of August, 1901.

*R. S. Streit*

*[Signature]*

Notary Public.

M.C.R.2874.

COPY.

Muskogee, Indian Territory, April 13, 1902.

Washington A. Hagerby,

Sucarnoochee, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of April,

1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frank Hagerby, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank Hagerby,	M.C.R.1760:
Zeb Hagerby, et al.,	M.C.R.2228:
Washington A. Hagerby, et al.,	M.C.R.2874:
Eliza Ramsey, et al.,	M.C.R.2936:
Betty Pollock, et al.,	M.C.R.3151.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Hagerby, Zeb Hagerby, Vada Lee Velma Hagerby, Washington A. Hagerby, George W. Hagerby,



W. A. H., 2.

Eliza Ramsey, Lula White, Chaney White, Betty Pollock, Della Land, Melvin Pollock, Ella Pollock, Arthur Pollock, George Pollock, Lola Pollock, Roxanna Pollock, Sholley Pollock and Frank Pollock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in this case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Jams Bixby*  
Chairman.

Registered.



Muskogee, Indian Territory, September 24, 1903.

Washington A. Hagerby,  
Sucarnoochee, Mississippi.

Dear Sir:

The Secretary of the Interior in his letter of August 31, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Hagerby, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants base their claims to a right to identification as Mississippi Choctaws, on their descent from Ha-cubbee wife, Sylvia, through their son, Alex Hagerby, whose Indian name was E-mab-ba, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830. Patsey (or Jinnie) Hagerby, the mother of Frank Hagerby, is also considered by the Commission as a Choctaw ancestor.

In your decision you state that the names, Ha-cubbee and Ha-cub-bi, appear upon the records in your possession.

Reporting May 26, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show the names of a number of persons by the name of Ha-cubbee who were citizens of the Choctaw Nation in Mississippi in 1830, some of whom were applicants for land under the provisions of the 14th article of the Choctaw treaty. He further states that there was a citizen of the Choctaw Nation in 1830 who resided in the vicinity of the present residence of the applicants in this case, who had a son named E-mam-be, whose age would seem to be about the same as E-mab-ba, through whom the applicants claim.

The Acting Commissioner also submits copies of depositions relative to persons who complied or attempted to comply with

W A H 2

the provisions of the fourteenth article of the Choctaw treaty, whose names are identical with the names of the applicants' ancestors, and recommends that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
  - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
  - 3rd. Their Choctaw as well as their English names.
  - 4th. The names and number of the persons who composed their families,
  - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account

W A H 3

of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, October 26, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep  
Registered

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 2874

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Washington A. Hagerby,  
Sucarnoochee, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of April 13, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated Mississippi Choctaw case of Frank Hagerby et al, of which the application for the identification of yourself and child is a part.

Respectfully,

Commissioner.

REFUSED

Washington A. Hagerby et al.

D. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841

A. R. 1903

**Abstract**

APR 1970

NO. . . . . VARD.

APR 11 30

FOR CHOCOLATE AND VANILLA FLAVORS

JUN 1 1963

RECORD COPY, D. J. D. DEPARTMENT

APR 29 1961

NATIONAL BUREAU OF ECONOMIC RESEARCH  
INTERIOR DEPARTMENT, WASHINGTON, D. C.

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 25 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT. MAR 14 1907

OFFICE OF DEPARTMENTAL ACTION  
AWARDED ATTORNEY FOR APPLICANT. MAR 14 1907

NOTICE OF DEPARTMENTAL ACTION  
AWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

REFER TO M 617, 2

DECISION PREPARED

#1086

No.

For Identification as a Mississippi Choctaw.

Date

JUL 5 1901

Name *Washington A. Hagerby*

Age *40* Blood *1/2*

Post Office, *Sucarnoochee, Miss.*

Father: *Alex Hagerby full, d*

Mother: *Mary J. "(slav, negro,) d*

Claims through father

wife

*Catherine Creek, (d)*  
*— mother of George*  
*W. Hagerby —*

Children:

*George W. Hagerby 19*

*Claims for self*  
*and child*

Stenographer

*R. A. Streit*

111-11



MISSISSAUGA  
APR 27  
5-AM

SUGARHILL  
MAR 17  
1907  
P.M.  
MISS.

Comm.

MAY - 2 1907

*[Handwritten signature]*

MISSISSAUGA

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



2874  
Not known, here

Washington A. Hagerby,

Sucarnoochee, Mississippi.



Choctaw MCR 2875

Lucy Rush

MCR 2875

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of Lucy Rush for the identification of herself and six minor children as Mississippi Choctaws.

Said Lucy Rush, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Lucy Rush.  
Q What is your age? A Thirty-four.  
Q What is your postoffice address? A Kipling, Mississippi.  
Q Where were you born? A In Alabama.  
Q Where in Alabama? A Couldn't tell what part.  
Q When did you come to Mississippi? A I don't know.  
Q How long have you been in Mississippi? A Twenty-eight years.  
Q What is your father's name? A Solomon Whitsett.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Eliza Whitsett.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A Mother.  
Q How much Choctaw blood do you claim? A A quarter.  
Q Was your father, Solomon Whitsett, an Indian, negro or white man?  
A Negro.  
Q Was he a slave before the war? A Yes sir.  
Q What was your mother's other blood beside Choctaw blood? A  
Negro.  
Q Was she a slave before the war? A Yes sir.  
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? Did your mother or father ever go to the Indian Territory and become enrolled out there as a member of the Tribe?  
A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Dave Rush.  
Q What is his blood? A Negro.  
Q Do you make any claim for him? A No sir.  
Q Have you any children under 21 years of age and unmarried that you want to make application for? A No sir.  
Q Give me the name of your oldest child? A Vandie.  
Q Boy or girl? A Boy.  
Q How old is he? A Ten.  
Q Next child? A Dave.  
Q How old is Dave? A Eight.  
Q Give me the name of the next? A Nora.  
Q How old is she? A Five.  
Q What is the name of the next? A Bertha.  
Q How old is Bertha? A About four.  
Q Next? A Octavia.  
Q Is that a boy or a girl? A Girl.  
Q How old is she? A Three years old.  
Q Have you any others? A Yes.

Lucy Rush et al---2

- Q How many more? A One more.  
Q What is the name? A Greeley.  
Q Boy or girl? A Boy.  
Q How old? A One year.  
Q Is that all the children you have? A Yes.  
Q Is Dave the father of these children? A Yes.  
Q Are you the mother? A Yes.  
Q Are these children living with you at your home? A Yes.  
Q Is your name or the name of any one of your children on any of the Choctaw Tribal rolls in Indian Territory? Did you ever go out to the Territory and have their names put on the rolls? A No sir.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for the enrollment of your self and children as Choctaw Indians? A No sir.  
Q Did you make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, for yourself and children? You never asked the Dawes Commission to put your names on the rolls, did you? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation, with your children, by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or children to either the Choctaw Tribal authorities or the authorities of the United States before this time? A No sir.  
Q Is this the first application you have ever made of any kind? A Yes sir.  
Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Do you want your names placed on the rolls as applicants as Mississippi Choctaws? A Yes sir.  
Q Do you claim this right for yourself and children as beneficiaries under article 14 of the treaty of 1830? A Don't know.  
Q Do you understand that article? A No sir.  
Q I will read it to you. The 14th article of the treaty of 1830 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which ~~xxx~~ is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Lucy Rush et al---3

Q You don't understand it as I read it, do you? A I understood it pretty well.

In the year 1830 a treaty was made, called the treaty of Dancing Rabbit Creek, and I have read you the 14th article of that Treaty now. That treaty provided for the removal of the Choctaw Indians from Mississippi or Alabama to the Indian Territory. Some Indians didn't want to go, they wanted to stay in Mississippi and Alabama, and so, the Government, in order to protect their rights, put article 14 in this Treaty. That article provided that the Choctaw Indians who stayed in Mississippi should be allowed to do so, but by staying he severed his connection with the Choctaw Indian Tribe and he must, in order to get his rights in Mississippi, within six months after the ratification of that Treaty, go to the United States Indian Agent Col. Ward, and tell him that they wanted to stay in Mississippi, they didn't want to go to the Territory, that they wanted land here and didn't want to go to the Territory. Now it would be necessary, after that, for these Indians to live in the land for five years and then they would get a patent from the Government and some did live on the land and get their patents, and if a Choctaw Indian living in Mississippi did as I have explained to you and if you are a descendant of such a Choctaw Indian, then you would have a right to put in a claim as a beneficiary under that article.

Q Do you understand what I have said? A I understand it pretty well now.

Q Are you claiming citizenship as a descendant of a Choctaw Indian? A Yes.

Q Have you or any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the names of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and lived in the old Choctaw Nation in Mississippi or Alabama at that time, when the treaty of Dancing Rabbit Creek was entered into between the Choctaw Indians and the United States Government? Can you give the names of your grandfather, grandmother, great grandfather or great-grandmother? A Yes sir.

Q What is the name of your mother's mother? A Margaret Whitsett.

Q Do you know the name of your mother's father? A Yes sir.

Q What was his name? A William Shots.

Q Was William Shots a slave before the war? A No sir.

Q How do you know he wasn't? A My grandma said he wasn't.

Q Solomon and Eliza were slaves, was your mother's father a slave? A No sir.

Q Was your mother's mother a slave? A Yes sir.

Q Have you any proof that your mother's father, William Shots, was a Choctaw Indian? A Yes.

Q What proof have you? A I have a paper.

Q You offer this as proof of that fact, do you? A No, no sir.

There is offered in evidence the affidavit of Margaret Whitsett, received, marked "Exhibit-A" and made a part of the records in this case. The marriage license of Dave Rush and Lucy Whitsett presented by applicant, received, marked "Exhibit-B", filed and made a part of the records in this case.

Lucy Rush et al---4

Q Have you any other documentary evidence that you want to introduce? A No sir.

Q Would you like time in which to present other proof in support of your application? A Yes sir.

Thirty days time is allowed this application in which to offer further evidence, documentary or other evidence, in support of her application which she makes for herself and children.

Q Did your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians when they were removed there to that Nation by the Government between the years 1833 and 1838? A I don't know.

Q If your ancestors did not go with the other members of the Tribe did they within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under article 14 of the treaty of 1830?

Q Did any of your kin-folks ever get any land from the Government? A No sir.

Q Do you speak the Choctaw language? A No sir.

Q Are there any further statements you want to make in support of this claim? A No sir.

This applicant has the appearance and all of the physical characteristics of a full blood negro. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application and the application which you make on behalf of your six minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of July, 1901, at Meridian, Mississippi.

  
Notary Public.

Muskogee, Indian Territory, October 8, 1902.

Lucy Rush,  
Kipling, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Whitsett et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Whitsett et al.,	M C R 2661,
Lucy Rush et al.,	M C R 2875,
Owen Whitsett et al.,	M C R 2876,
Nancy Gray,	M C R 2942,
Martha Scott et al.,	M C R 2878,
Margaret Whitsett,	M C R 2877.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that

L R 2

the evidence herein is insufficient to determine the identity of Eliza Whitsett, Solomon Whitsett, Willie Whitsett, Laney Whitsett, Joe Whitsett, Mollie Whitsett, Olivia Whitsett, Lucy Rush, Vandie Rush, Dave Rush, Nora Rush, Bertha Rush, Octavia Rush, Greeley Rush, Owen Whitsett, Bessie M. Whitsett, Pearlle L. Whitsett, Nancy Gray, Martha Scott, Velma Scott, Alberta Scott, Helon Scott, Clark Scott and Margaret Whitsett, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.



M.C.R. 2575

COPY.

Muskogee, Indian Territory, November 26, 1902 .

Lucy Rush,

Kipling, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Whitsett, et al., of which decision you were advised by registered mail on the 8th day October, 1902.

Respectfully,

Yours truly,

Tamie B. B. B.  
Acting Chairman.



#1087

No. 255

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name Lucy Rush

Age 34 Blood 1/4

Post Office, Kipling, Miss

Father: Solomon Whitsett l

Mother: Eliza (slave) l

Claims through mother

David - negro.

No claim for husband.

Children: Vandie (boy) 10

David 8

Nora 5

Bertie 4

Octavie (girl) 3

Greeley (boy) 1

Claims for self & children.

Stenographer L. S. Miles

*Lucy Rush et al*

REFUSED

DECISION RENDERED: OCT 8 1902

APPEAL

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AND OF UNLAW NATIONALS

REFER TO M. C. R. 2667

Choctaw MCR 2876

Owen Whitsett

MCR 2876

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of Owen Whitsett for the identification of himself and two minor children as Mississippi Choctaws.

Said Owen Whitsett, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Owen Whitsett.  
Q What is your age? A Thirty-one.  
Q What is your postoffice address? A DeKalb, Mississippi.  
Q How long have you lived in DeKalb, Mississippi? A Bred and born there.  
Q Always lived there, have you? A Yes sir.  
Q What County is DeKalb in? A Kemper.  
Q What is your father's name? A Solomon Whitsett.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Elisa Whitsett.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Was your father a slave before the war? A Yes sir.  
Q Is he a colored man? A Yes sir.  
Q What other blood did your mother have beside Choctaw blood?  
A Negro.  
Q Was she a slave before the war? A Yes sir.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities? A Did she ever go to the Territory and be enrolled out there? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Tilla.  
Q What is her blood? A She ain't got none in her at all.  
Q She must have some blood? A No Indian, I mean.  
Q What is she? A Colored.  
Q Do you make claim for her? A No sir.  
Q Give me the name of your eldest child that you want to make application for? A Bessie M.  
Q How old is she? A Nine.  
Q What is the name of the next? A Pearlle L.  
Q How old is she? A Seven.  
Q Is that all? A Yes sir.  
Q Is Tilla the mother of these children? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Are these children living with you at your home? A Yes sir.  
Q Were you married to your wife Tilla by a minister of the Gospel?  
A Yes sir.  
Q Under a license? A Yes sir.  
Q Have you your marriage license and certificate with you? A Yes sir.  
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? Are you put down out there as an Indian? A No sir.

Owen Whitsett et al---2

Q Have you ever made application for yourself or children to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of the Choctaw Tribe? You never asked them to put your name down, did you? A No sir.

Q Did you or anyone for you in 1896, under the Act of Congress of June 10, 1896, make application, for yourself or children, for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? Did you make application five years ago? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children for enrollment as citizens of the Choctaw Nation to either the Choctaw Tribal authorities or to the United States authorities? A No sir.

Q Is this the first application of any kind you ever made? A Yes sir.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you make this claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article? A I think I do.

Q Have you had it explained to you? A No sir.

Q Article 14 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become citizens of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

I will explain that to you now in a few simple words:-

This treaty of 1830 was a treaty made between the United States Government and the Choctaw Indians in Mississippi and Alabama. It was made in order to remove the Indians from Mississippi and Alabama to the Indian Territory.

A great many Indians went, under this Treaty, to the Territory and a great many didn't go, wouldn't go, and in order to protect the rights of those Choctaw Indians and their descendants who remained in Mississippi and Alabama, article 14 was put into this treaty. I have just read you article 14. Now, if you can prove that you had

an ancestor who was a Choctaw Indian living in Mississippi or Alabama in 1830, who did what the 14th article says they should do, who went to the United States Indian Agent Col. Ward at that time and told him that they wanted to stay in Mississippi and did not want to go to the Territory, that they wanted to take land in Mississippi and eventually to become citizens of the United States, then, you would have a right as a descendant of such Mississippi Choctaw ancestry to claim rights in the present Choctaw Nation and claim land there.

Q Do you understand that? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q Have you or any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Can you give the name or names of any of your ancestors, your kin folks, who were recognized members of the Choctaw Tribe of Indians in 1830 and lived in Mississippi or Alabama at that time, when this treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians?

A No sir.

Q You can't think of the names of any of your kin folks, can't you think of your grandfather's name? A Yes sir.

Q What is his name? A William Shots.

Q What is his wife's name? A Margaret Whitsett.

Q Was William Shots a slave? A No sir.

Q Was his wife Margaret a slave? A Yes sir.

Q What proof have you that William Shots was a Choctaw Indian?

A That is what she said.

Q Have you any other proof except what was told to you and your family? A I have a paper.

Q The proof of that you present in this affidavit, do you? A Yes sir.

There is offered in evidence the joint affidavit of Samuel and Margaret Whitsett, presented by applicant, received, marked "Exhibit-A", filed and made a part of the records in this case; also copy of marriage license and certificate of Owen Whitsett and Tella McLahan, received, marked "Exhibit-B", filed and made a part of the records in this case.

Q Have you any other documentary evidence that you want to present now? A No sir.

Q Would you like time in which to file evidence, documentary and otherwise, in support of this application? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application which he makes for himself and his children.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians who went between the years 1833 and 1838? A I don't know, sir.

Q If your ancestors did not go with the other Indians at that time, did they within six months after the treaty of 1830 was ratified tell the United States Indian Agent of the Choctaw Indians in Mississippi, ~~that they didn't want to go to the Territory~~ Col. Ward, that they didn't want to go to the Territory, that they wanted to stay in Mississippi and

Owen Whitsett et al---4

become citizens of the United States? A I don't know.

Q Did any of your ancestors, your kin folks, grandfather, grandmother, great-grandfather, great-grandmother, ever receive any land from the United States Government under article 14 of the Treaty of 1830? A I don't know, sir.

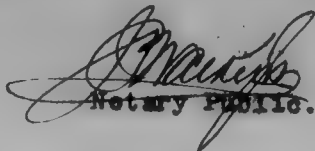
Q Do you speak the Choctaw Language? A No sir, I never was trained up to it.

This applicant appears to be descended from mixed ancestry of Choctaw and negro blood, in which the negro predominates. His Indian characteristics are observable in high cheek bones and shape of his nose, which is large, roman and narrow at the nostrils. The lips are moderately thick.

The decision of the Commission as to your application and the application you make on behalf of your two minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of July, 1901, at Meridian, Mississippi.

  
Notary Public.

M C R 2876

Muskogee, Indian Territory, October 8, 1902.

Owen Whitsett,

De Kalb, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Whitsett et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Whitsett et al.,	M C R 2861,
Lucy Rush et al.,	M C R 2875,
Owen Whitsett et al.,	M C R 2876,
Nancy Gray,	M C R 2942,
Martha Scott et al.,	M C R 2878,
Margaret Whitsett,	M C R 2877.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that



O W 2

the evidence herein is insufficient to determine the identity of Elisa Whitsett, Solomon Whitsett, Willie Whitsett, Laney Whitsett, Joe Whitsett, Mollie Whitsett, Olivia Whitsett, Lucy Rush, Vandie Rush, Dave Rush, Nora Rush, Bertha Rush, Octavia Rush, Greeley Rush, Owen Whitsett, Bessie M. Whitsett, Pearlle L. Whitsett, Nancy Gray, Martha Scott, Velma Scott, Alberta Scott, Helon Scott, Clark Scott and Margaret Whitsett, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

*James D. [illegible]*

Acting Chairman.

Registered.

M.C.R. 2876

COPY.

Muskogee, Indian Territory, November 26, 1902.

Owen Whitsett,

DeKalb, Mississippi.

Dear Sir:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Whitsett, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

*Fame Birby.*  
Acting Chairman.

#1088

No

For Identification as a Mississippi Choctaw.

Date

JUL 6 1901

Name

Owen Whitsett.

Age

31

Blood

1/4

Post Office,

De Kalb, Miss  
*negro, slave*

Father:

Solomon Whitsett. l  
*negro cho - slave*

Mother:

Eliza " l

Claims through  
wife.

*mother*  
Tilla - negro.

No claim for wife.

Children:

Bessie M,

Pearlie L,

9

7

Claims for self &  
children.

Stenographer

D. J. Miles

A. MISSISSIPPI COTTON TAW  
*Owen Whitsett et al*  
- REFUSED

DECISION RENDERED. OCT 8 1902

*R. 2876*

OCT 10 1902

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NOV 18 1902

NOTICE OF APPEAL  
FROM THE DECISION OF THE

ACTION  
OF THE COTTON TAW  
IN THE MATTER OF

REFER TO M. C. R. 2661

Choctaw MCR 2877

Margaret Whitsett

MCR 2877

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of Margaret Whitsett for the identification of herself as a Mississippi Choctaw.

Said Margaret Whitsett, being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Margaret Whitsett.  
Q What is your age? A Twenty-three.  
Q What is your postoffice address? A Box DeKalb, Mississippi.  
Q How long have you lived at DeKalb? A Don't know.  
Q Were you born there and have always lived there? A Yes sir.  
Q What is your father's name? A Solomon Whitsett.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Eliza Whitsett.  
Q Is she living? No sir.  
Q Through which one of these parents do you claim your Choctaw blood? A My mother.  
Q How much do you claim? A A quarter.  
Q Was your mother a slave before the war? A Yes sir.  
Q What was your mother's other blood beside the Choctaw blood you claim she had? A Negro.  
Q What is your father's blood? A Negro.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities? Did your mother ever go to the Territory and get enrolled out there? A No sir.  
Q Are you married? A No sir.  
Q Do you make this claim for yourself alone? A Yes sir.  
Q Is your name on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A I don't understand.  
Q Is your name on any of the Tribal rolls of the Choctaw Nation in Indian Territory? Did you ever go to the Territory and have your name put on the rolls out there? A No sir.  
Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that Tribe? That is--did you ever go to the Territory and ask the Choctaw Indians to put your name down on the rolls there? A No sir.  
Q Did you or anyone for you in 1896, that is five years ago, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.  
Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made any application for citizenship in the Choctaw Nation before this time to any authority whatever? A No sir.  
Q Do you come here today before the Commission and ask to have your name placed on the list as a descendant of a Mississippi Choctaw, claiming that your ancestors were Mississippi Choctaw? A Yes sir.

Margaret Whitsett--2

Q. Do you claim this right to identification as a Mississippi Choctaw under article 14 of the treaty of 1830? Do you know whether you do, or not? A. Yes.

Q. Do you understand article 14 of this treaty? A. No sir.

Q. I will read it to you. Article 14 of the treaty of 1830 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

In order that you may understand that better I will explain it to you very briefly. A Treaty is an agreement, just the same as if you make an agreement with this gentleman here on any subject and an agreement is called a treaty when it is made between Nations and not between individuals. In 1830 the United States Government made such an agreement or treaty with the Choctaw Indians and the object of the treaty was to get all the Indians out of Mississippi and Alabama and get them to go to the Indian Territory. A good many Indians went but a good many did not wish to go and those who did not wish to go were allowed to stay here in Mississippi provided they would do as this article, which I have read to you, states; they must do, this 14th article of the treaty of 1830. They were obliged, if they wished to take advantage of article 14, to go to the Indian Agent who lived here in Mississippi in 1830, Col. Ward, and tell him that they didn't want to go to the Territory, they wanted to stay in Mississippi and they wanted to have land here and would live upon that land, cultivate it, and also they were to tell him that they wanted to become citizens of the United States. If they did that and after doing it lived on the land for five years, then the Government would give them that land and they could then become citizens of the United States. If the Indian did that he would not lose his rights as a Choctaw Indian in Indian Territory if he ever wanted to go there afterwards or if his descendants wanted to go there. You come here today as a Mississippi Choctaw and in order that you may prove your claim here you have to tell the Commission that you claim under article 14 of the treaty of 1830; you also have to prove to the Commission, if you can, that your ancestors

Margaret Whitsett---3

complied with the provisions of the 14th article of the treaty of 1830.

- Q Do you claim under that article of that treaty? A Yes sir.  
Q Do you think you understand that now? A Yes sir.  
Q Did any of your ancestors ever receive any benefits as Choctaw Indians? That is did they ever get any land from the Government?  
A No sir.  
Q Did you ever? A No sir.  
Q Can you give me the name of any of your kin folks, your ancestors, who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi and Alabama at that time? Your grandfather or grandmother, great-grandfather or great-grandmother? A Yes sir, my grandfather.  
Q What was his name? A William Shots.  
Q What was he? A An Indian.  
Q Can you tell the name of his wife, your grandmother? A Yes sir.  
Q What was her name? A Margaret Whitsett.  
Q The same name you have? A Yes sir.  
Q Was she a Choctaw Indian? A No sir.  
Q What was she? A Colored woman.  
Q Was she a slave? A Yes sir.  
Q Was he, your grandfather? A No sir, he wasn't a slave.  
Q Have you any kind of evidence or proof that he was a Choctaw Indian? A Yes sir, I have a paper.

There is offered in evidence the joint affidavit of Samuel Whitsett and Margaret Whitsett, offered by applicant, received, marked "Exhibit-A", filed and made a part of the records in this case.

- Q Have you any other documentary evidence? A No sir.  
Q Would you like time in which to introduce more evidence?

Thirty days time from the date hereof is allowed this applicant in which to file further documentary proof in support of this application.

- Q Have you any evidence that your ancestors, any of them, if Choctaw Indians, went from Mississippi or Alabama to the Indian Territory when the other Indians went there between 1833 and 1838?  
A No sir.  
Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians living in Mississippi that they intended to stay in Mississippi and become citizens of the United States? A I don't know.  
Q Have any of your ancestors, if Choctaw Indians, and I mean by ancestors your kin folks, ever claimed or received any land from the United States Government under article 14 of the treaty of 1830?  
A No sir.  
Q Can you speak Choctaw? A No sir.  
Q Is there anything further you want to say about this claim?  
A No sir.

This applicant has the appearance of a person descended from mixed ancestry of negro and Choctaw blood in which



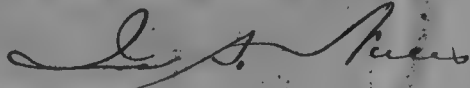
Margaret Whitsett---4

the negro predominates. Her color is somewhat the color of an Indian. She has high cheek bones, not very wide nostrils, lips are thick. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

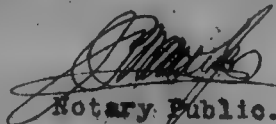
The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 27th day of July, 1901, at Meridian, Mississippi.

  
Notary Public.

COPY

M C R 2877

Muskogee, Indian Territory, October 8, 1902.

Margaret Whitsett,  
DeKalb, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Whitsett et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Whitsett et al.,	M C R 2661,
Lucy Rush et al.,	M C R 2875,
Owen Whitsett et al.,	M C R 2876,
Nancy Gray,	M C R 2942,
Martha Scott et al.,	M C R 2878,
Margaret Whitsett,	M C R 2877.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that

M W 2

the evidence herein is insufficient to determine the identity of Eliza Whitsett, Solomon Whitsett, Willie Whitsett, Laney Whitsett, Joe Whitsett, Mollie Whitsett, Olivia Whitsett, Lucy Rush, Vandie Rush, Dave Rush, Nora Rush, Bertha Rush, Octavie Rush, Greeley Rush, Owen Whitsett, Bessie M. Whitsett, Pearlle L. Whitsett, Nancy Gray, Martha Scott, Velma Scott, Alberta Scott, Helon Scott, Clark Scott and Margaret Whitsett, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

*James H. Hasty*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 26, 1902.

Margaret Whitsett,

DeKalb, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Whitsett, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

SIGNED

*Jane Dixby*

Acting Chairman.

#1089

No.

2577

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name Margaret Whitsett

Age 23

Blood  $\frac{1}{4}$

Post Office, De Kalb, Miss

Slav - negro

Father: Solomon Whitsett, 1

Slav - negro - chr

Mother: Eliza " l

Claims through mother

~~Children:~~

Claims for self  
only

Stenographer J. S. Miles

Admission  
*Margaret Whitsett*

REFUSED

DECISION RENDERED. OCT 8 1902

NOTICE OF DECISION MADE BY APPLICANT.

OCT - 8 1902

NOTICE OF DECISION MADE BY APPLICANT.  
FOR CHOCTAW AND CHICKSAW NATIONS.

RECORD FORWARDED

OCT 10 1902

ACT. APPROVED BY THE INTERIOR.

NOV 18 1902

NOTICE OF DECISION MADE BY APPLICANT  
FORWARD BY APPLICANT.

NOV 18 1902

NOTICE OF DECISION MADE BY APPLICANT  
FOR CHOCTAW AND CHICKSAW NATIONS.

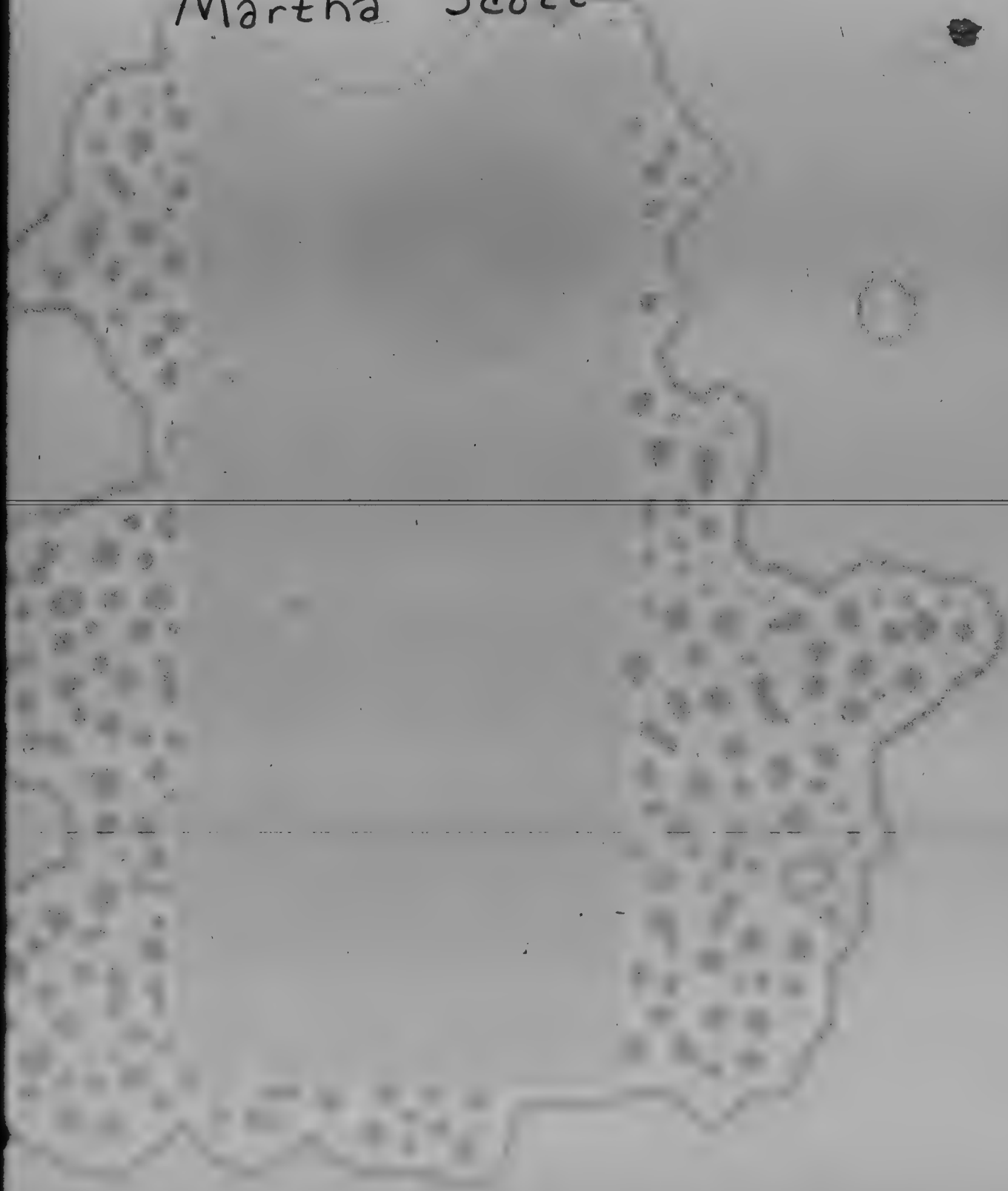
NOV 18 1902

REFER TO M. C. R. z 661

Choctaw MCR 2878

Martha Scott

MCR 2878



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 8th, 1901.

In the matter of the application of Martha Scott for the identification of herself and her four minor children as Mississippi Choctaws.

Said Martha Scott, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Martha Scott.  
Q What is your age? A Twenty-six.  
Q What is your postoffice address? A DeKalb, Mississippi.  
Q How long have you lived at DeKalb? A All my life.  
Q Born there? A Yes sir.  
Q What is your father's name? A Solomon Whitsett.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Eliza Whitsett.  
Q Living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A My mother.  
Q How much do you claim? A One-fourth.  
Q Was your father a slave before the war? A Yes sir.  
Q Is he a negro? A Yes sir.  
Q Was your mother a slave before the war? A Yes sir.  
Q What is her other blood beside the Choctaw blood that you claim she has? A Negro.  
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities? Did she ever go out to the Territory and become a citizen there by having her name put on the rolls? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Tom Scott.  
Q What is his blood? A Negro.  
Q Do you make any claim for him? A No sir.  
Q Have you children under 21 years of age and unmarried that you want to make application for? A Yes sir.  
Q Give me the name of the eldest? A Velma.  
Q How old is she? A Five.  
Q Is that a girl? A Yes sir.  
Q Give the name of the next? A Alberta.  
Q Girl? A Yes sir.  
Q How old? A Three.  
Q Next? A Helon.  
Q Boy? A Yes sir.  
Q How old? A Two.  
Q Next? A Clark.  
Q Boy? A Yes sir.  
Q How old? A Ten months.  
Q Is Tom Scott the father of these children? A Yes sir.  
Q Are you the mother? A Yes sir.  
Q Are these children living with you at your home? A Yes sir.  
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? Did you ever go to the Territory and have your name put on the rolls out there? A No sir.



Martha Scott et al---2.

Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal authorities in Indian Territory? A No sir.

Q Did you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? I mean by that-did you apply to the Dawes Commission five years ago for citizenship under that law? A No sir.

Q Have you ever been admitted, with your children, to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Never have been admitted, have you? A No sir.

Q Have you ever made application before this time for yourself and children to either the Choctaw Tribal authorities or the United States authorities for citizenship in the Choctaw Nation? You never made application before did you? A No sir.

Q This ~~was~~ is the first application of any kind you ever made, isn't it? A Yes sir.

Q Do you now come here to make application as a Mississippi Choctaw and do you want to be recognized as such? A Yes sir.

Q Do you come here and make this claim today as a beneficiary under article 14 of the treaty of 1830? Do you claim under that article? (No answer)

Q Do you understand that article? A No sir, I don't understand what you are talking about.

I will read it to you. Article 14 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the states, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child, which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Let me explain that to you in just a few words:- The treaty of 1830 (I read you a part of that treaty just then) was made between the United States Government and the Choctaw Indians and was made for the purpose of removing the Indians who lived in Mississippi and Alabama out to the Indian Territory. After that treaty was made some of the Indians went, quite a good many went, but a good many refused to go, wanted to stay in Mississippi and Alabama. The Government said they might stay and put article 14 into the treaty in order that their rights might be protected. Article 14 provided that all Indians who wished to stay in Mississippi and Alabama could do so

without losing their rights as Choctaw Citizens in the Choctaw country if they did certain things. Now these things were these--that within six months after the treaty was ratified, they should go to the Indian Agent who lived in Mississippi at that time, Col. Ward, and tell him that they didn't want to go to the Indian Territory, that they wanted to stay in Mississippi and wanted land in Mississippi and would live upon it for five years so as to get a patent from the Government, and that they wanted to become citizens of the United States. Now that was what may be called a declaration of intention to become citizens of the United States. The Choctaw Indians who stayed in Mississippi ceased to be a citizen of the Choctaw Nation and by staying declared his intention to become a citizen of the United States. If he did all these things, incorporated in article 14 of the treaty of 1830, then he afterwards would not lose his rights in the Choctaw Nation, nor his descendants. You come here as a descendant of a Choctaw Indian living way back there in 1830. ~~You come here claiming that your ancestors~~ did those things required in article 14 of the treaty of 1830. Do you claim under that article of that treaty?

A Yes sir.

Q Do you think you understand that pretty well? A Yes sir, pretty well.

Q Did you or anyone of your ancestors receive any benefits as Choctaw Indians? Ever get any money or land from the Government?

A No sir.

Q Can you give the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was ratified between the United States Government and the Choctaw Indians? A Can you give me the name of your grandfather, grandmother, great-grandfather or great-grandmother? A Yes sir, my grandfather.

Q What was his name? A William Shots.

Q What was he? A An Indian.

Q What was his wife's name? A Margaret Whitsett.

Q Was she a negro woman? A Yes sir.

Q Was she a slave? A Yes sir.

Q Was William Shots a slave? A No sir.

Q How do you know he was a Choctaw Indian? A My mother said so.

Q Have you any other proof except what your mother said and what you heard in the family? A Yes sir, I have a paper.

Q Do you offer this affidavit as proof of that fact? A Yes sir.

The joint affidavit of Samuel and Margaret Whitsett, presented by applicant, received, marked "Exhibit -A", filed and made a part of the records in this case.

Q Have you any other evidence or affidavits that you want to introduce now? A No sir.

Q Do you want time in which to introduce documentary and other evidence in support of this application? A Yes sir.

Thirty days time from the ~~stare~~ date hereof is allowed this applicant in which to file documentary or other proof in support of her claim.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians when

Martha Scott et al---4

they went there between 1833 and 1838? Do you know anything about that? A No sir, I don't know.

Q Did any of your ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent Col. Ward who then lived in Mississippi, and tell him that they wanted to stay in Mississippi and did not want to go to the Territory and intended to become citizens of the United States? A I don't know.

Q Have any of your ancestors ever received or claimed any land in Mississippi under article 14 of the treaty of 1830? A I don't know sir.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance of a full blood negro. Does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your four minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of July, 1901, at Meridian, Mississippi.

  
Notary Public.

OPY.

M C R 2878

Muskogee, Indian Territory, October 8, 1902.

Martha Scott,

DeKalb, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Whitsett et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Whitsett et al.,	M C R 2661,
Lucy Rush et al.,	M C R 2675,
Owen Whitsett et al.,	M C R 2876,
Nancy Gray,	M C R 2942,
Martha Scott et al.,	M C R 2878,
Margaret Whitsett,	M C R 2877.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that

M S 2

the evidence herein is insufficient to determine the identity of Eliza Whitsett, Solomon Whitsett, Willie Whitsett, Laney Whitsett, Joe Whitsett, Mollie Whitsett, Olivia Whitsett, Lucy Rush, Vandie Rush, Dave Rush, Nora Rush, Bertha Rush, Octavia Rush, Greeley Rush, Owen Whitsett, Bessie M. Whitsett, Pearlle L. Whitsett, Nancy Gray, Martha Scott, Velma Scott, Alberta Scott, Helen Scott, Clark Scott and Margaret Whitsett, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.

COPY,

M.C.R. 2878

Muskogee, Indian Territory, November 26, 1902.

Martha Spott,

DeKalb, Mississippi.

Dear Madam:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Whitsett, et al., of which decision you were advised by registered mail on the 8th day of October, 1902.

Respectfully,

(SIGNED)

*Tamie Bixby.*

Acting Chairman.

#1090

No

For Identification as a Mississippi Choctaw.

Date

JUL 6 1901

Name

Martha Scott.

Age

26

Blood

1/4

Post Office,

Loe Kach, Miss  
slav. negro.

Father:

Solomon Whitsett, 1  
slav. negro & choc,

Mother:

Eliza

Claims through  
husband

Mother

Tom Scott negro.

No claim for husband

Children:

Velma - (girl)

5

Albura "

3

Nelson (boy)

2

Clark "

10 m

Claims for self &  
children -

Stenographer

J. S. Miles

A MIE

*Martha Scott et al*

REFUSED

DECISION RENDERED. OCT 8 1902

NOTICE OF DECISION MADE APPLICANT.

OCT -8 1902

NOTICE OF DECISION MADE ATTORNEYS  
FOR CHOCTAW AND CHICKSAW NATIONS.

RECORD FORWARDED TO DEPARTMENT.

ACTION AFFIDAVIT

DEPARTMENT

NOV 18 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 18 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT FOR CHOCTAW  
AND CHICKSAW NATIONS.

REFER TO M. C. R. 2661



Choctaw MCR 2879

Seaborn Scott

MCR 2879

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of Seaborn Scott for the identification of himself as a Mississippi Choctaw.

Said Seaborn Scott, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Seaborn Scott.  
Q What is your age? A Twenty-one.  
Q What is your postoffice address? A Whitfield, Alabama.  
Q How long have you lived in Whitfield? A All my life.  
Q Born there? A Yes sir.  
Q What is your father's name? A Ben Scott.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Eliza Scott.  
Q Through which one of these parents do you claim Choctaw blood?  
A Father.  
Q How much do you claim? A One-half.  
Q Has your father, through whom you claim your right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or the United States authorities in Indian Territory? Did he ever go out to the Territory and get enrolled there?  
A No sir.  
Q What do you claim your father's blood to be? A Full blood Choctaw.  
Q What do you claim your mother's blood to be? A Negro.  
Q Was she a slave before the war? A Yes sir.  
Q Was your father? A No sir.  
Q Is your mother living? A Yes sir.  
Q What was your mother's master's name? A Joe Graham.  
Q Are you married? A No sir.  
Q Do you claim only for yourself? A Yes sir.  
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal authorities in Indian Territory? A No sir.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, that is the Dawes Commission, under the Act of Congress of June 10, 1896? That is five years ago? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this time for citizenship or membership in the Choctaw Nation to either the Choctaw Tribal authorities or the United States authorities? A No sir.  
Q Is this the first application of any kind you ever made? A Yes sir.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Do you claim this right as a beneficiary under article 14 of the

Seaborn Scott---2

treaty of 1830? A Yes sir.

Q Do you understand what that treaty provides- I mean article 14 of the treaty of 1830? You say you claim under article 14 of the treaty of 1830, do you understand exactly what that means? A No sir

Q Would you like me to explain it to you? A Yes sir.

I will try to do so in as few words as I can so you may understand it. In 1830 the United States Government made what is called a treaty. You know what a contract or agreement is between individuals; well, when an agreement is made between Nations it is called a treaty. They made an agreement and the purpose of that agreement was to have the Choctaw Indians all move from Mississippi and Alabama to the Indian Territory. Some of the Indians went but a great many stayed in Mississippi and Alabama. They didn't want to go. The Government, in order that they might be protected and have their rights, put article 14 into the treaty of 1830. An article is a part of the treaty. It was agreed in that article that a Mississippi Choctaw could stay in Mississippi and take land in Mississippi and not lose his or her rights as a citizen of the Choctaw Nation but in order to do that it said in article 14 that he must go to the United States Indian Agent, Col. Ward, who lived in Mississippi in 1830, and within six months after that treaty was ratified, and tell him that they wanted to stay in Mississippi, take land in Mississippi, live on it, cultivate it, and that they also intended to become citizens of the United States; in other words that they had given up their rights as citizens of the Choctaw Nation and wanted to stay in Mississippi and become citizens of the United States. If your ancestors, your kin folks way back there in 1830, did that and you can prove it to the satisfaction of the Commission, then you will be entitled as a descendant of a Mississippi Choctaw ancestor to rights in the Indian Territory under that article.

Q Do you think you understand what I have explained of article 14?

A Yes sir, I think I understand it.

Q Do you understand it well enough so that you think you can claim under it? A Yes sir.

Q Did you or your ancestors ever receive any benefits as Choctaw Indians? A No sir.

Q Can you give me the name of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi and Alabama at that time? A No sir.

Q Can't you give me the name of your father's father or father's mother? A Yes sir.

Q What is the name of your father's father? A Will Scott.

Q Was he a Choctaw? A Yes sir.

Q The father of Ben Scott? A Yes sir.

Q What was Ben Scott's mother's name? A Ann Scott.

Q How do you know that Ann and Will Scott were Choctaw Indians?

A My father said so.

Q Have you any records or documentary proof of that fact? Have you anything else, beside what you heard in the family, to prove it?

A No sir.

Seaborn Scott---3

Q Do you claim that you get all your Choctaw blood through your father and your negro blood through your mother? A Yes sir.

Q Your brother Claborn Scott appeared before the Commission; do you know whether there is any white blood in your ancestors? A I don't know, sir.

Q Have you any evidence that any of your ancestors, if Choctaw Indians, went from Mississippi or Alabama to the Indian Territory with the other Indians when the United States Government removed them between the years 1833 and 1838? A I don't know anything about that.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, then living in Mississippi that they intended to become citizens of the United States and live in Mississippi? A No sir, I don't know.

Q Did any of your ancestors, your father's father or father's mother, or any other of your Indian ancestors, receive or claim any land in Mississippi as Choctaw Indians from the Government under article 14 of the treaty of 1830? A Not as I know of.

Q Do you speak the Choctaw language? A No sir.

Q Are there any additional statements you want to make in support of this application at this time? A No sir.

Q Have you any documentary evidence, written testimony of any description, copies of records, deeds or patents or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.

Q Do you want time in which to introduce evidence? A Yes sir.

Thirty days time is allowed this applicant in which to file documentary or other evidence in support of this application.

This applicant has the appearance and general characteristics of a full blood negro but the Commission is satisfied that he has Indian blood from the fact that his father Ben Scott appeared before the Commission and that his appearance gave the impression of being an Indian. This applicant's ~~black~~ brother appeared before the Commission just previously to this present applicant's appearance and he, having the same father and mother, was many degrees lighter in shade and had not only different complexion but different eyes and different physical make up. This applicant, while he looks like a full blood negro has undoubtedly Indian blood and it is apparent also from the fact that his cheek bones are higher than is natural in a full blood negro and his hair while black and curly is not kinky. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W.T.Scott, being called as a witness to testify in behalf of the applicant and being first duly sworn, states as follows:-

Examination by Mr.A.W.Trotter, attorney for applicant.

Seaborn Scott---4

Q What is your name? A W. T. Scott.

Q Are you an expert in the appearance of Choctaw Indians? A Yes sir, I think I am. I have been raised among the Indians and have lived with them about 16 or 17 years.

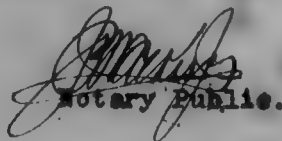
Q Look at this applicant here and see if you see any resemblances to the Choctaw Indians and state what they are? A He has some resemblance to a Choctaw Indian. He has the color not strictly of a Choctaw Indian but it shows that the Indian blood is there. The light brown color is altogether different; he has a different tinge, a red tinge. You can see that in this applicant. It shows a distinction between a mixture of Indian and negro and white and negro. He has small pointed hands and fingers, which is characteristic of Indian descendants. He has black, soft, hair, curly, not kinky. Small rounded forehead and high cheek bones. He has medium lips with red cast, characteristic of Indian descendants. He has a straight black mustache.

Witness excused.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 8th, 1901, and that the above and preceding is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 30th day of July, 1901, at Meridian, Mississippi.

  
Notary Public.

M.C.R. 2879

COPY.

Muskogee, Indian Territory, July 29, 1904.

Seaborn Scott,

Whitfield, Alabama,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 2879

Muskogee, Indian Territory, November 1, 1904.

Seaborn Scott,

Whitfield, Alabama,

Dear Sir:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Ben Scott, et al, of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

Commissioner in Charge.



OFFICE  
A MISSISSIPPI CHOCTAW

*Seaborn Scott.*

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION FORWARDED  
APPLICANT JUL 29 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS. JUL 29 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY JUL 29 1904  
FOR APPLICANTS.

RECORD FORWARDED DEPARTMENT.  
AUG 15 1904

REFER TO M.C.R. 2837



7091

No.

2879

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name Seaborn Scott,

Age 21 Blood  $\frac{1}{2}$

Post Office, Whitfield, Ala

Father: Ben Scott, <sup>full c.</sup> I

Mother: Eliza <sup>negro-slave</sup> I

Claims through father

~~Children:~~

Claims for self  
alone. V

Stenographer J. S. Niles

Choctaw MCR 2880

Claborn Scott

MCR 2880

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of Claborn Scott for  
the identification of himself as a Mississippi Choctaw.

Said Claborn Scott, being first duly sworn, testified as  
follows:-

Examination by the Commission.

- Q What is your name? A Claborn Scott.  
Q How old are you? A Twenty-five.  
Q What is your postoffice address? A Whitfield, Alabama.  
Q How long have you lived in Whitfield? A Born and raised there.  
Q Always lived there? A Yes sir.  
Q What is your father's name? A Ben Scott.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Eliza Scott.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A Father.  
Q How much Choctaw blood do you claim? A One-half.  
Q Do you claim that your father was a full blood Indian? A Yes  
sir.  
Q What blood do you claim your mother had? A She is negro.  
Q Was she a slave before the war? A Yes sir.  
Q Was your father? A No sir.  
Q Has your father, through whom you claim your right to be identi-  
fied as a Mississippi Choctaw, ever been recognized in any manner or  
enrolled as a member of the Choctaw Tribe of Indians by the Choctaw  
Tribal authorities or by the United States authorities in Indian  
Territory? A No sir.  
Q Are you married? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw Tribal authorities  
for enrollment or citizenship in the Choctaw Nation? Did you ever  
go out to the Indian Territory and ask them to put your name down  
on the rolls? A No sir.  
Q Did you ever make application to the Dawes Commission for en-  
rollment or citizenship in the Choctaw Nation under the Act of  
Congress of June 10, 1896? A No sir.  
Q Did you make application to the Dawes Commission five years ago?  
A No sir.  
Q Have you ever been admitted in the Choctaw Nation as a citizen  
by either the Choctaw Tribal authorities, the Commission to the Five  
Civilized Tribes or by the United States Court in Indian Territory?  
A No sir.  
Q Have you ever made application before this time for citizenship  
in the Choctaw Nation to any authority whatever? A No sir.  
Q Is this the first application of any description you ever made?  
A Yes sir, first time.  
Q Do you now make application for identification as a Mississippi  
Choctaw? A Yes sir.  
Q Do you make this claim as a beneficiary under the provisions of  
article 14 of the treaty of 1830? A Yes sir.  
Q You say your father, Ben Scott was a full blood Indian? A Yes  
sir.

Claborn Scott--2

- Q And Eliza Scott was a full blood negro woman? A I don't know, sir, whether she was a full blood negro or not.
- Q Was she a slave? A Yes sir.
- Q Have you any knowledge whether or not Eliza Scott had white blood or whether Ben Scott had white blood? Your features are very much like the features of a white man and your eyes are sort of a blueish gray. Do you know anything about it? A No sir.
- Q Did you or your ancestors ever receive any benefits as Choctaw Indians? Any land or money from the Government? A No sir.
- Q Can you give me the names of any of your Indian ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi or Alabama at that time when the treaty of Dancing Rabbit Creek was ratified between the Choctaw Indians and the United States Government? Can you give me the names of your father's father, your father's mother or any other kin folks? A I can give the name of my father's mother.
- Q What was her name? A Ann Scott.
- Q What was her blood? A Choctaw.
- Q How do you know it was Choctaw? A That is what she always claimed.
- Q Did you know her? A Yes sir.
- Q Could your father talk English? A Yes sir.
- Q Could he talk Choctaw? A No sir.
- Q Where does your father live? A In Alabama, where I stays at.
- Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory when the other Indians went under the charge of the United States Government between the years 1833 and 1838? Do you know whether they went to the Territory? A Not as I know of.
- Q If your father's mother, or any other of your ancestors, did not go to the Territory did they within six months after the ratification of the treaty of 1830 go to the United States Indian Agent in Mississippi, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?
- Q Do you know anything about that? A No sir, I don't know about that.
- Q What was your father's mother's name? A Ann Scott.
- Q Did your father's mother or any other of your Choctaw ancestors receive or claim any land in Mississippi under article 14 of the treaty of 1830? Do you know whether they ever got any land?
- A No sir, I don't know.
- Q Do you speak Choctaw? A No sir.
- Q Are there any additional statements you want to make now in support of your application? Do you want to say anything more?
- A I don't know of anything I want to say.
- Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? A No sir.
- Q Do you want a little time in which to introduce evidence? A Yes sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application.

Claborn Scott---3

John E. Fluker, being called to testify in this case and being first duly sworn, states as follows:-

Examination by ~~the~~ A. W. Trotter, attorney for applicant.

- Q What is your name? A John E. Fluker.  
Q Where do you live? A Sumter County.  
Q What is your postoffice address? A Walk, Alabama.  
Q Do you know this applicant here? A Yes sir.  
Q What is his name? A Claborn Scott.  
Q Do you know his father? A Yes sir.  
Q What is his father's name? A Ben Scott.  
Q Do you know his father's blood? A Yes sir.  
Q What is his blood? A Indian blood.  
Q Full blood Indian? A That is what they say.  
Q Is the father of this applicant here? A Yes sir.  
Q How long have you known him? A I have known him about 18 years.  
Q ~~You have known them both that long?~~ A Yes sir.  
Q Do you know this to be his son? A Yes sir.

Examination by the Commission.

- Q Are you an applicant yourself? A Yes sir.  
Q Do you propose to make an application to day? A Yes sir.  
Q How long did you say you had known his father? A About 18 years.  
Q Does his father understand the Choctaw language? A I can't say.  
I never heard him speak it.  
Q Are you pretty well acquainted with Indians and their ways and manner? A ~~Yes~~ No sir.  
Q Haven't been associated with them very much? A No sir.  
Q You are not an expert then as to whether a person has Indian blood or not, are you? A Well, in this way, as to what they say as to color.  
Q You are controlled by what he told you as to his having Indian blood? A No sir, I heard other people call him an Indian.  
Q Then all you know as to whether he is an Indian or not depends on what other people say? A Yes sir, and what he says himself.  
Q Would you judge him from what people say about him or from what you consider him to be from his appearance? Yes sir.  
Q Then you judge both ways, from what they say and from his looks? A Yes sir.  
Q You don't pretend to be an expert or anything like that? A No sir.  
Q Look at this applicant a moment; you are well acquainted with him, aren't you? A Yes sir.  
Q Does he look to you like a man who had Choctaw blood in him? He doesn't claim white blood; what should you think to look at him?  
A I would say that probably he has white blood in him.  
Q His eyes would indicate what, don't you think? A Yes sir.  
Q What is the color of his eyes? Are they a blueish gray, would you judge? A Yes sir.  
Q Looking at him now and judging him from your intimate knowledge of him, would ~~he~~ you say he had more white and colored blood than Indian and negro blood? What do you think? A I would say that he was kin to Indian.  
Q Wouldn't you also say that he was kin to negro? A Yes sir.  
Q And kin to white too? A Yes sir.

Claborn Scott---4

Q Do you think there is more white and negro than Indian blood in him? A Well, I would think-I not knowing this man, merely just meeting him-I would think he was negro and white.

Examination by Mr. A. W. Trotter.

Q What do you say about his Indian blood? A He may have some Indian.

Examination by the Commission.

Q You can't see as much Indian in him as other blood, can you?  
A Well, I am not very well acquainted with Indians and I can't tell very well.

Witness excused.

W.T.Scott, being first duly sworn, testified as follows:-

Examination by Mr. A. W. Trotter.

Q What is your name? A W.T.Scott.

Q Occupation? A Jeweler.

Q Postoffice address? A Meridian, Mississippi.

Q Are you an expert in your knowledge of Indians? A I have lived among the Indians for about seventeen years. I have had a great deal to do with them and their descendants. I think I know the blood when I see it. This applicant here as a small pointed nose, which is characteristic of an Indian descendant. He has high cheek bones and round narrow forehead. Has small, well-shaped hands which is characteristic of the descendants of Choctaw Indians. He has very curly hair but not strictly kinky.

Q Do you see any Indian in his skin? A He shows in his skin that ~~much~~ he has Indian blood. His complexion is not strictly black. His ears are either those of an Indian or a white descendant. I couldn't say positively as to his ears. Lips are medium. Got an average lip, a little thick. Long curly mustache.

Witness excused.

This applicant has the appearance of one descended from a mixed ancestry of either negro and white blood or negro and Indian and perhaps a mingling of all three bloods. He appears to be one who might be negro and white; his eyes are a peculiar shade of blue-gray in color. His hair is curly; his whiskers and mustache are light brown. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

Claborn Scott—5

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Miles*  
Subscribed and sworn to before me this the 29th day of July, 1901,  
at Meridian, Mississippi.

*James A. Smith*  
Notary Public.



M.C.R. 2880

COPY.

Muskogee, Indian Territory, July 29, 1904.

Claborn Scott,

Whitfield, Alabama,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.



M.C.R. 2880

COPY.

Muskogee, Indian Territory, November 1, 1904.

Claborn Scott,

Whitfield, Alabama,

Dear Sir:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

Commissioner in Charge.

#1092

No. 122001

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name *Claborn Scott.*

Age 25- Blood  $\frac{1}{2}$

Post Office, *Whitford, Ala.*  
*full*

Father: *Ben Scott, l*  
*negro, slave*

Mother: *Eliza Scott, l*

Claims through *father*

~~Children:~~

*Claims for self  
alone.*

Stenographer *J. J. Miles*

MISSISSIPPI CHOC TAW  
*Claborn Scott*

DECISION RENDERED JUL 29 1904

REFUSED, JUL 29 1904

NOTICE OF DECISION FORWARDED  
APPLICANT JUL 29 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOC TAW AND  
CHICKASAW NATIONS, JUL 29 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS, JUL 29 1904

RECORD FORWARDED DEPARTMENT.

AUG 15 1904

ACTION APPROVED BY

GENERAL AGENT

NOTICE

REFER TO M. C. R.

Choctaw MCR 2881

John E. Fluker

MCR 2881

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of John E. Fluker, et al., for identification as a Mississippi Choctaw, M C R 2881.

List of papers forwarded to Secretary of the Interior  
comprising the record in above entitled case.

Original application of John E. Fluker, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of Green Fluker.....	3
Certificate of L. H. Shelton to the marriage of John Madson Fluker and Mary Willson.....	6
Joint affidavit of Simon Fluker and Green Fluker.....	7
Decision of the Commission refusing the appli- cation of John E. Fluker, et al., for identification as Mississippi Choctaws.....	8

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of John E. Fluker for the identification of himself and his five minor children as Mississippi Choctaws.

Said John E. Fluker, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A John E. Fluker.  
Q What is your age? A Thirty-five.  
Q What is your postoffice address? A Walk, Alabama.  
Q How long have you lived at Walk? A About 25 or 26 years.  
Q Where were you born? A Gaston, Alabama.  
Q What is your father's name? A Edmund Fluker.  
Q Is he living? A No sir.  
Q What is your mother's name? A Sarah Coates.  
Q Is she living? A Yessir.  
Q Through which one of your parents do you claim Choctaw blood?  
A Father.  
Q How much do you claim? A One-eighth.  
Q What was your father's other blood beside the Choctaw blood you claim he had? A Negro.  
Q Was he a slave before the war? A Yes sir.  
Q Was your mother a slave before the war? A Yes sir.  
Q She was a negro? A Yes sir.  
Q You don't claim Indian blood through her? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Mary.  
Q What is her color? A Negro, dark.  
Q Do you claim for her? A No sir.  
Q What is the name of your oldest child that you claim for? A Jesse.  
Q Boy? A Yes sir.  
Q How old is he? A Ten.  
Q Next? A Sallie.  
Q How old? A Eight.  
Q Next? A Laura.  
Q How old? A Six.  
Q Next? A Johnnie.  
Q Boy? A Yes sir, four years old.  
Q Next? A Willie Ann.  
Q Girl? A Yes sir.  
Q How old? A Eighteen months.  
Q Is that all the children you have? A Yes sir.  
Q When and where were you married to your wife Mary? A In 1888.  
Q Do you remember the day of the month? A 25th of ~~September~~ December.  
Q Where was this? A In Sumter County, Alabama.  
Q Married by a minister, under a license? A A justice of the peace.  
Q Under a license? A Yes sir.  
Q Have you your marriage license and certificate with you? A ~~Yes~~ No sir.

John E. Fluker et al---2

Q Is your name or the name of any one of your children on any of the Choctaw Tribal rolls in the Indian Territory? Did you ever go to the Territory and have your names put on the rolls? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal authorities out in the Territory?

A No sir.

Q Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?

A No sir.

Q Did you ever before this time make application to either the Choctaw Tribal authorities or the United States authorities for enrollment or citizenship in the Choctaw Nation? A No sir.

Q Did you for your children? A No sir.

Q Is this the first application you have ever made for yourself or them? A Yes sir.

Q Do you now want to be identified as Mississippi Choctaws? A Yes sir.

Q Do you understand what I mean by identification as a Mississippi Choctaw? Do you know what I mean exactly? A No sir.

Q I mean-do you want the Commission now to recognize the fact that you are a descendant of a Mississippi Choctaw? A Yes sir.

Q Do you make ~~an~~ this claim under any particular article of the treaty? A I don't understand.

Q Did you ever hear of article 14 of the treaty of 1830? Did you ever hear of the treaty of Dancing Rabbit Creek? A No sir.

Article 14 of the treaty of 1830 is a part of the treaty of 1830 and was put into that treaty for the special benefit of those Choctaw Indians who did not want to go to the Indian Territory when the greater portion of the Choctaw Tribe went out there between the years 1833 and 1838. A Treaty is an agreement or contract between nations. An agreement is a contract and a contract made between persons is called an agreement and a contract made between Nations is called a treaty. The treaty of 1830 was made and ratified for the purpose of getting all of the Choctaw Indians in Mississippi and Alabama out of those two states and have them move to the Choctaw Nation in Indian Territory. A good many Indians went out there after that treaty was ratified and a good many remain here. So many remained or desired to remain at the time the treaty was made that article 14 was put in to protect their interests and the interests of their descendants. Article 14 provided that the Mississippi Choctaws, that is the Choctaws who stayed in Mississippi and did not go to the Territory would not lose their rights as Choctaw Indians and as citizens in the Territory provided they did certain things that were enumerated in article 14. The things that those Indians were required to do were to go to the Indian Agent, who lived in Mississippi and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States. It was required in article 14 that they should do that within six months after the ratification of the treaty. You

John E. Fluker et al---3

come before the Commission and claim to be a descendant of a Mississippi Choctaw. If you claim under article 14 of the treaty of 1830 then you claim that your ancestors or ancestor did those things that I have enumerated and which are laid out in article 14 of the treaty of 1830. Do you think you understand that explanation as I have given it to you? A I think so.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you claim that your ancestors complied with the provisions of that article; do you think they did or don't you know? A I don't know.

The Commission will give you time in which to furnish proof that they did. The Commission desires to give you a fair hearing and if you are able to prove that you will be allowed to do so.

Q Have you any evidence of any description with you now? A Yes sir.

Q Do you claim that you can prove that your ancestors complied with the provisions of article 14 of the treaty of 1830 by this paper which you introduce? A Yes sir.

Q You don't rely altogether on this, do you? A No sir.

There is offered in evidence the affidavit of Green Fluker received, marked "Exhibit-A", filed and made a part of the records in this case.

Q Do you wish time in which to introduce further evidence? A Yes sir.

Thirty days time is allowed this applicant in which to file documentary or other evidence in support of this application, also original or certified copy of his marriage license and certificate.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Have you ever? A No sir.

Q Can you give me the name or names of any of your ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi or Alabama at that time? Your grandfather or grandmother, or any of your ancestors? A Yes sir.

Q What was your grandfather's name? A John Wall.

Q Was he an Indian? A Yes sir, half Indian.

Q Can you tell his wife's name? A I don't know.

Q Do you know his father's name? A Yes sir.

Q What is his name? A Batiste.

Q Was he a full blood Choctaw Indian? A Yes sir.

Q Have you any proof that he was? A Yes sir.

Q Do you think you can prove that later? A Yes sir.

Q Do you know whether he complied with article 14 of the treaty of 1830? A I don't know, sir.

Q Did John Wall or Batiste, his father, or any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 go to Col. Ward the



John B. Fluker et al---4

United States Indian Agent for the Choctaw Indians in Mississippi and tell him that they intended to stay in Mississippi and become citizens of the States? A I don't know, sir.

Q Did any of your ancestors claim or receive any land in Mississippi under article 14 of the treaty of 1830? A I don't know, sir.

Q Do you speak Choctaw? A No sir.

Q Is there anything more you want to say now in support of your application? A No sir.

This applicant appears to be a negro. His physical characteristics are those of a negro. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application and the application you make on behalf of your five minor children, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 31st day of July, 1901, at Meridian, Mississippi.

*Ira S. Niles*  
*[Signature]*  
Notary Public.

COPY.

*Mr.  
C.W.*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of John E. Fluker, et al., for identification as Mississippi Choctaws, M C R 2881.

---: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John E. Fluker for himself and his five minor children, Jesse, Sallie, Laura, Jehmie and Willie Ann Fluker, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Batiste, who is alleged to have been a full blood

Choctaw Indian, and his son John Wall, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that anyone by the name of Batiste or John Wall, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842(5 Stats.513)

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John E.

Fluker, Jesse Fluker, Nellie Fluker, Laura Fluker, Johnnie Fluker and Willie Ann Fluker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED:

Tame Dixby

Acting Chairman

T. B. Needles

Commissioner

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory

DEC 12 1907

Muskogee, Indian Territory, December 12, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John E. Fluker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John E. Fluker, Jesse Fluker, Sallie Fluker, Laura Fluker, Johnnie Fluker and Willie Ann Fluker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 12, 1902.

John E. Fluker,  
Walk, Alabama.

Dear Sir:

You are hereby advised that on the 12th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John E. Fluker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John E. Fluker, Jesse Fluker, Sallie Fluker, Laura Fluker, Johnnie Fluker and Willie Ann Fluker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

John B. Flaker-3

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

*James Bixby.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John  
B. Plucker, et al., applicants to the Commission for identification as  
Mississippi Choctaws, including the decision of the Commission of  
December 12, 1902.

The Commission has the honor to report that the principal ap-  
plicant herein, and the attorneys for the Choctaw and Chickasaw  
Nations have been duly advised by letter of the action of the Com-  
mission, copies of said letters being attached to the record.

Respectfully,

Through the

Acting Chairman.

Commissioner of Indian Affairs.

Enc. M.C.R. 2881



D.C.10463-1903.  
ITD 3216-1903  
LRS.

(Copy)

EAF

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 9, 1903.

Commission to the Five Civilized Tribes/  
Muskogee, I. T.

Gentlemen:

December 29, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John E. Fluker and his minor children, Jesse, Sallie, Laura, Johnnie and Willie Ann Fluker, including your decision of December 12, 1902, refusing the application.

The applicants claim to be descendants of one Batiste, alleged to have been a full-blood Choctaw Indian, and his son John Wall, alleged to have been a half-blood Choctaw and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting March 23, recommends approval of your decision; a copy of his letter is

-2-

inclosed.

The Department finds no reason to disturb your decision, and  
it is accordingly affirmed.

Respectfully,

(signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

Land  
24---1903.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of John E. Fluker for the identification of himself and his five minor children, Jesso, Sallie, Laura, Johnnie and Willie Ann Fluker, as Mississippi Choctaws.

On December, 12, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their application for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have inherited their Choctaw blood from one Batiste who is alleged to have been a full-blood Choctaw Indian, and from his son, John Wall, who is alleged to have been a half-blood Choctaw Indian and to have resided in Mississippi in 1830; but neither the record evidence submitted by the applicants nor an ex-

-2-

amination of the records in this office show that any person by the name of Batiste or John Wall ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or secured a patent for land thereunder.

By reason of the premises the office considers the said decision of the Commission correct and recommends that it be approved by the Department.

Very respectfully,

A. C. Tonner,  
Acting Commissioner.

W.C.B.(S)

M.C.R. 2881

1 COPY

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.  
Gentlemen:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of John E. Flucker, et al., of which decision you were advised by mail on the 12th day of December, 1902.

Respectfully,

*Tams Dixby.*  
Chairman.

COPY.

M.O.R. 2861

Muskogee, Indian Territory, April 23, 1903.

John E. Flucker,  
Walk, Alabama.

Dear Sir:

You are hereby notified that on the 9th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John E. Flucker, et al., of which decision you were advised by registered mail on the 12th day of December, 1902.

Respectfully,

*James Birby.*  
Chairman.

*John E. Tucker et al*  
*182881*

**REFUSED**

**DECISION RENDERED. DEC 12 1902**

**NOTICE OF DECISION MAILED APPLICANT. DEC 12 1902**

**NOTICE OF DECISION MAILED AT OHNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 12 1902**

**RECORD FORWARDED DEPARTMENT. DEC 28 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR. APR 9 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS. APR 23 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT APR 23 1903**

**DECISION PREPARED**

#1093

No.

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name John E. Fluker

Age 35-

Blood 1/8

Post Office, Waack, Ala  
*negro & slave - slave*

Father: Edmund Fluker, d  
*slave - negro*

Mother: Sarah Coates, d

Claims through father  
wife, Mary - negro

No claim for wife

Children:

Jesse (boy) 10

Sallie 8

Laura 6

Johnnie 4

Willie Ann (girl) 18 m

Claims for self & children

Stenographer I. A. Niles



Choctaw MCR 2882

Reed Scott

MCR 2882

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 6th, 1901.

In the matter of the application of Reed Scott for the identification of himself and one minor child as Mississippi Choctaws.

Said Reed Scott, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Reed Scott.  
Q What is your age? A Thirty-three.  
Q What is your postoffice address? A Whitfield, Alabama.  
Q How long have you lived there? A Most all my life.  
Q What is your father's name? A Ben Scott.  
Q Living? A Yes sir.  
Q What is your mother's name? A Eliza Scott.  
Q Living? A Yes sir.  
Q Through which one of these parents do you claim your Choctaw blood? A My father.  
Q How much do you claim? A One half, he is full blood.  
Q You claim your father was full blood? A Yes sir.  
Q What was your mother's blood? A Negro.  
Q Was she a slave before the war? A Yes sir.  
Q And was your father? A No sir.  
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? A Did he ever go to the Territory and become enrolled there? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Irene.  
Q What is her blood? A Negro.  
Q Do you make any claim for her? A No sir.  
Q Have you any children under 21 years of age and unmarried? A Yes sir, one.  
Q What is its name? A Lillie.  
Q How old is she? A About sixteen.  
Q Is that all the children you have? A Yes sir.  
Q Is Irene the mother of this child? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Is she living with you at your home? A Yes sir.  
Q She claims Choctaw blood through you? A Yes sir.  
Q And you through your father? A Yes sir.  
Q When were you married to your wife Irene? A In 1892.  
Q Married by a minister? A Yes sir.  
Q Under a license? A Yes sir.  
Q Have you your marriage license and certificate with you? A No sir.  
Q Is your name or the name of your child on any of the Choctaw Tribal rolls in the Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation for your self and child? A No sir.  
Q Did you ever make application to the Dawes Commission for citi-

citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation, with your child, by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you ever before this time made application for citizenship or membership in the Choctaw Nation for yourself and child to either the Choctaw Tribal authorities or the United States authorities? A No sir.

Q Is this the first application you ever made? A Yes sir.

Q Do you now come before the Commission in order that you and your child may be identified and recognized as Choctaw Indians? A Yes sir.

Q Do you claim this right to be so identified under any article of any treaty? Do you know under what article or treaty you are claiming? A I don't know what you say.

Q Did you ever hear of the treaty of 1830? A Yes sir, I have heard of it.

Q Did you ever hear of article 14 of that treaty? A I have heard of it.

Q Do you claim under that article of that treaty? A Yes sir.

Q Do you understand article 14 of the treaty of 1830? A No sir, I don't understand.

A treaty is an agreement, only it is called a treaty because it is made between governments instead of individuals. In 1830 there was a treaty made between the Choctaw Indians and the United States Government. The object of that treaty was to remove all of the Indians from Mississippi and Alabama to the Indian Territory. They wouldn't all go out there; some said they wouldn't go. So many stayed in Mississippi that the Government put article 14 into that treaty of 1830 in order to protect the rights of those who stayed in Mississippi. An article is a part of a treaty. Now they could stay in Mississippi and get all the rights that that article gave them in Mississippi and their rights would be preserved in the Indian Territory if they wanted to go there afterwards, provided they did certain things that were enumerated in article 14 of that treaty, and those things were these- that they ~~must~~ should go within six months after the ratification of that agreement to the United States Indian Agent, Col. Ward, that they should go to him at his office and tell him that they did not want to go to the Territory, that they wanted to stay in Mississippi, that they wanted land in Mississippi, and that they would live on that land and get title to it from the Government and they also wanted to become citizens of the United States. Those things those Indians must have done in order to have rights as Mississippi Choctaws and to give their descendants rights now as descendants of Mississippi Choctaws. Now you come before the Commission and you say you want to be identified as a Mississippi Choctaw. That you are descended from a Mississippi Choctaw Indian, and that he or she complied with article 14 of the treaty of 1830, as I have described it to you.

Q Do you claim under that article? A Yes sir.

Q Do you think your ancestors did the things I have enumerated?  
A Yes sir.  
Q Have you any evidence that they did? A I don't know.  
Q Do you think you can prove that they did? A Yes sir.  
Q Did you or any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.  
Q I mean land or money from the Government? A No sir.  
Q Can you give me the name or names of any of your Indian ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 and who lived in the old Choctaw Nation in Mississippi or Alabama at that time? Your grandfather or grandmother, or any of them?  
A Yes sir, my grandmother was Ann Scott.  
Q What was your grandfather's name; your father's father? A William Scott.  
Q Were William and Ann Scott Choctaw Indians? A Yes sir.  
Q Can you prove they were? A Only nothing but what my father told me.  
Q Did you ever see William or Ann Scott? A No sir.  
Q You don't look much like an Indian, do you? A No sir.  
Q Did any of your ancestors, if Choctaw Indians, go out to Indian Territory from Mississippi or Alabama with the other Indians between the years 1833 and 1838? A No sir.  
Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 go to Col. Ward the United States Indian Agent and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.  
Q Did any of your ancestors, your kin folks, grandfather, grandmother, great-grandfather or great-grandmother, ever claim or receive any land in Mississippi from the Government as beneficiaries under article 14 of the treaty of 1830? A No sir.  
Q Do you speak the Choctaw language? A No sir.  
Q Have you any documentary evidence, written testimony of any description, affidavits, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, that they ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, called the treaty of Dancing Rabbit Creek, or ever received any benefits under that article of that treaty? A No sir.

Thirty days time from the date hereof is allowed this applicant in which to file documentary or other evidence in support of this application, also to file copy of marriage license and certificate.

\* This applicant has the appearance and physical characteristics strongly marked of a full blood negro, in color of eyes, complexion and hair and width of his nostrils and his general features, but he is the son of Ben Scott who came before the Commission and who impressed the Commission with the fact that he was an Indian. He has brothers who appeared before the Commission, Seborn Scott and Claborn Scott, who while they look to be possessed largely of negro blood still show traces of having Indian blood. From the testimony of his father, Ben Scott and the testimony of his brothers, the Commission is of the opinion that he has Indian blood. The fact remains, however, that the negro characteristics in his ancestry is strongly marked.

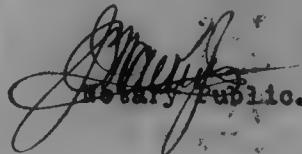
Reed Scott et al---4

The decision of the Commission as to your application and the application which you make on behalf of your minor child, for identification as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior, conformable to the provisions of the first section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 6th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 30th day of July, 1901,  
at Meridian, Mississippi.

  
Notary Public.

M.C.R. 2882

COPY.

Muskogee, Indian Territory, July 29, 1904.

Reed Scott,

Whitfield, Alabama,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ben Scott et al., including you and your daughter, Lillie Scott.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered,

M.C.R. 2882

COPY.

Muskogee, Indian Territory, November 1, 1904.

Reed Scott,

Whitfield, Alabama,

Dear Sir:

You are hereby notified that on the 24th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of yourself and daughter, Lillie Scott, included in the consolidated case of Ben Scott, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

Commissioner in Charge.

7094

No.

2552

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name Reed Scott.

Age 33 Blood  $\frac{1}{2}$

Post Office, Whitfield Ala

Father: Ben Scott. I

Mother: Eliza " I

Claims through ~~wife~~ <sup>Father</sup> ~~unc-negro~~

No claim for wife

Children:

Lillie — 16

Claims for self and  
one child

Stenographer J. S. Niles



*Red Scott et al*

DECISION RENDERED JUL 29 1904

REFUSED, JUL 29 1904

NOTICE OF DECISION FORWARDED  
APPLICANT JUL 29 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHICKSAW AND  
CHICKSAW NATIONS.

NOTICE OF DECISION  
FORWARDED JUL 29 1904  
FOR APPLICANTS.

RECORD FORWARDED DEPARTMENT.  
AUG 15 1904

SECRETARY OF THE INTERIOR

REFER TO M. C. H.

Choctaw MCR 2883

Jennie Wilson

MCR 2883

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jennie Wilson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2883.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Jennie Wilson, et al.

(Page)

Original application of Jennie Wilson, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Affidavit of Handy Thames in support of application ...	6
Affidavit of Andrew Thames in support of application ...	7
Decision of the Commission refusing the application of Jennie Wilson, et al., for identification as Mississippi Choctaws .....	8

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 6, 1901.

In the matter of the application of Jennie Wilson for the identification of herself and four minor children as Mississippi Choctaws.

Jennie Wilson, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jennie Wilson.  
Q What is your age? A I was thirty seven years old the 4th day of July.  
Q What is your post office address? A Collinsville.  
Q Mississippi? A Yes sir.  
Q How long have you lived at Collinsville? A Been there nine years.  
Q Where did you live before you lived at Collinsville? A Neshoba county.  
Q Where were you born? A Born in Kemper I reckon.  
Q And you have always lived in these counties close together in Mississippi? A Yes sir.  
Q What is your father's name? A Jake White.  
Q Has he any Indian name? A Just John White is all I know.  
Q Is he living? A No sir, he is dead.  
Q What is his blood? A One half Indian.  
Q What is the other half? A Nigger.  
Q Is your mother dead? A Yes sir.  
Q What was her name? A Bettie White.  
Q What is her blood? A She is one half too.  
Q One half Indian and one half what? A Nigger.  
Q You claim how much Choctaw blood? A One half.  
Q You claim through both your father and mother, do you? A Yes sir.  
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities--have they ever been to the Indian Territory and become Choctaw Indians identified with the tribe? A Never as I know of.  
Q Are you married? A Been married.  
Q Your husband is dead? A Yes sir.  
Q What was his name? A Henry Wilson.  
Q What was his blood? A He was a nigger, I reckon.  
Q Were either of your parents slaves before the war? A Yes sir.  
Q Were they both slaves? A My mother was--my father died when I was small.  
Q Where did your mother get her Choctaw blood, do you know? A No, sir.  
Q Don't know anything about your mother's father? A No sir.  
Q Or your mother's mother? A I have heard my mother say her mother was named Jennie.  
Q Was she a full blood Choctaw Indian? A I don't know sir.  
Q Do you know anything about your father's father? A No sir.  
Q Or your father's mother? A No sir, I don't know nothing them. They came from away off somewheres.

Jennie Wilson---2.

- Q Have you any children you want to make application for? A I have four.
- Q Give me the name of the oldest? A Essie Wilson.
- Q How old is Essie? A Twelve years old.
- Q Next? A Albert.
- Q How old? A Seven years old.
- Q Next? A Earl.
- Q How old? A Six years old.
- Q That is a boy? A Yes sir.
- Q Next? A Pearl.
- Q Girl? A Yes sir, a girl.
- Q How old? A Six years old.
- Q Earl and Pearl are twins? A Yes sir.
- Q Was Henry Wilson the father of these children? A Yes sir.
- Q Are you the mother? A Yes sir.
- Q You claim Choctaw blood through your ancestors for them? A You claim Choctaw blood for them through your parents? A Yes sir.
- Q You do not claim through your husband for them? A No sir.
- Q How long has your husband been dead? A He has been dead about six years.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory--Did you ever go or send out in the Indian Territory and ask the Choctaw Nation to put your name and the names of your children on their tribal rolls? A No sir.
- Q Did you ever try to get the Choctaw tribal authorities in the Indian Territory to enroll your name or the names of your children as members of the Choctaw tribe? A No sir.
- Q Did you or any one for you or for your children in 1896 go or send to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, and endeavor to have them you and your children citizens of the Choctaw Nation? A No sir, never did have nothing to do with it.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this for yourself and children to be made citizens of the Choctaw Nation either to the Choctaw tribal authorities or to the United States authorities? A No sir.
- Q Is this the first application of any kind you have ever made? A Yes sir.
- Q Are you now coming here before the Commission for the purpose of getting yourself and children recognized and identified as Choctaw Indians. Do you want to be recognized now and enrolled as Choctaw Indians? A I am as much nigger as I am Injun I reckon.
- Q If you have Choctaw blood, you have a right to be recognized as having that Choctaw blood--do you want to be recognized as a Choctaw Indian? A Yes sir.
- Q Do you claim this right for yourself and children as beneficiaries under article fourteen of the treaty of 1830? A I don't understand that.
- Q I will read the fourteenth article of the treaty of 1830 to you: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and

Jennie Wilson----3.

"forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That is Article fourteen of the treaty of 1830. I am going to explain this to you a little so that you will understand it, I hope. You know what an agreement is don't you? A Yes sir.

Q Well an agreement is between people; now a treaty is the same thing as an agreement only an agreement is between people and a treaty is the same thing between Nations. A treaty was made between the Choctaw Indians and the United States government in 1830, and that treaty was for the purpose of getting the Choctaw Indians to go out into the Indian Territory,--the Choctaw Indians in Mississippi and Alabama to go to the territory. A good many went, and some did not want to go. So article fourteen was put into that treaty to protect the interests and affairs of those Indians who wanted to stay and did stay here in Mississippi. Under that article, they could stay here and they would not lose the right to go into the territory and become participants in the property of the Choctaw Nation in the Indian Territory afterwards if they wanted to do so, if they did certain things which were enumerated in Article Fourteen. Those things were, that if they stayed here, they should go the Indian Agent, Colonel Ward, within six months after the treaty was ratified, and tell him they wanted to stay here in Mississippi--that they did not want to go to the territory--that they wanted to stay in Mississippi and Alabama and become citizens of the United States; that they wanted land in Mississippi, which land if they selected and lived on it for five years, would be given to them by the government. You claim to be a descendant of a Choctaw Indian--that is you claim your father was a half blood Choctaw and that your mother was a half blood Choctaw, and therefore they must have had Choctaw kin folks living away back there in 1830 and if they complied with article fourteen of that treaty, then you have the right to come here and be identified as a Mississippi Choctaw. Do you know whether any of your ancestors did those things required by article fourteen?

A No sir, I don't know.

Q You have not heard about that? A No sir.

Q You understand my explanation? A Yes, a little--some things I don't know.

Q Have you or your ancestors-- I mean your kin folks--ever received any benefits as Choctaw Indians--any money or property? A No sir.

Q I believe you said you could give the names of your father's or mother's kind folks? A No, only my mother's side--her mother was named Jennie.

Q But you don't know whether she was a Choctaw? A No sir, I never seen her.

Q Do you think you could find proof of the Choctaw blood of your father's or mother's ancestors? A My mother belonged to white people, and they are dead. They brought her from Alabama I think; the old heads are all dead.

Jennie Wilson----4.

Q Did any of your ancestors if Choctaw Indians go from Mississippi or Alabama to the Indian Territory when the other Indians went there between 1833 and 1836? A Not as I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.

Q Did any of your ancestors, I mean your kin people, ever claim or receive any land under article fourteen of the treaty of 1830 that I have just read and explained to you? A No sir.

Q Can you speak the Choctaw language? A No sir.

Q Do you understand any of the Choctaw language? A I know what they call dog and one thing another.

Q You do not understand much of it? A No sir, I never did go with with the Choctaws; I always went with the colored people.

Q Do you know any Choctaws at all? A I know Sock Philip.

Q Do you think you have Indian blood? A Yes sir, everybody been telling me all my life that I am part Indian.

Q Is there anything more you want to say about this claim? A No, sir.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other proper evidence showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No sir.

Q Do you want time in which to introduce documentary evidence in support of this application? A Yes sir, I reckon so.

Thirty days time from the date hereof is allowed applicant in which to present documentary or any other kind of evidence that she may choose to offer in support of her application, which she makes for herself and children.

This applicant has the appearance and general physical characteristics of a person descended from a mixed ancestry of Choctaw and negro blood. In her case the Indian characteristics seem to predominate. She has the appearance of one having more Indian than negro blood, although her testimony would seem to be correct that she possesses one half Choctaw and one half negro blood. She has no knowledge of the Choctaw language, and no knowledge of any compliance on the part of her ancestors with article fourteen of the treaty of 1830.

The decision of the Commission as to your application for identification as Mississippi Choctaws which you make for yourself and children will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 26, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes



Jennie Wilson---8.

he reported in full all proceedings had in the above entitled cause on the 6th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. R. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of July, 1901.

*[Signature]*

Notary Public.



J. H. A.  
C. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Jennie Wilson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2003.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jennie Wilson for herself and her four minor children, Esie, Albert, Earl and Pearl Wilson, under the following provision of the act of Congress approved June 20, 1898 (30 Stat., 426):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Jake (or John) White and of Bettie White, both of whom are alleged to have been half blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jake (or John) White, or Bettie White, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Wilson, Essie Wilson, Albert Wilson, Earl Wilson and Pearl Wilson

as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*Tams Bixby.*

Acting Chairman.

(SIGNED).

*T. B. Needles.*

Commissioner.

(SIGNED).

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory.

OCT 31 1902

COPY.

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Wilson, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Wilson, Essie Wilson, Albert Wilson, Earl Wilson and Pearl Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

M. M. & C. 2

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*Tamie Bickel*  
Acting Chairman.

COPY.

Waskagaw, Indian Territory, October 31, 1902.

Jennie Wilson,

Collinsville, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Wilson, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Wilson, Essie Wilson, Albert Wilson, Earl Wilson and Pearl Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

J W 2

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tams Dixby.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jennie Wilson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 21, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Wm. D. Dwyer,  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M C R 2883



C O P Y .

D.C. 7818-1903.  
I.T.D. 1910-1903.  
LRS.

DEPARTMENT OF THE INTERIOR. THE  
Washington.

March 17, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

November 17, 1902, you transmitted the record in the case ~~concerning~~ the applications of Jennie Wilson (M C R 2883), for herself and her four minor children, Essie, Albert, Earl and Pearl Wilson, for identification as Mississippi Choctaws, including your decision of October 31, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jake (or John) White and Bettie White, the parents of the principal applicant, both of whom are alleged to have been half blood Choctaws.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that their alleged ancestors complied or attempted to comply with said article 14 of the treaty of 1830, or the subsequent acts relating thereto.

-2-

Reporting in the matter February 16, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and the same is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN.

Acting Secretary.

1 inclosure.

Land.  
69842-1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington?

February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Jennie Wilson, for herself and four children, Essie, Albert, Earl and Pearl Wilson, wherein a decision adverse to the applicants was rendered by the Commission on October 31, 1902.

It appears from the evidence in this case that the applicants base their claims to identification on their descent from Jennie Wilson, who, it is claimed, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission bases its decision rejecting these parties on the ground that its records do not show that Jake (or John) White, or Bettie White, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-2-

An examination of the records of this office as to the names of Jennie Wilson, Jake, John and Bettie White, discloses the fact that they are not found among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. TOMPKINS

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

M.C.R. 2003

COPY

Maskogee, Indian Territory, March 26, 1903.

Jennie Wilson,  
Collinsville, Mississippi.

Dear Madam:

You are hereby notified that on the 17th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jennie Wilson, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

*Tams Bixby.*  
Chairman.

M.C.R. 2883

COPY

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jennie Wilson, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

*Tame Parry*  
Chairman.

No

Date **JUL 6 1901**

Name \_\_\_\_\_

Jennie Wilson

400

37

## Blood

12

Post Office.

Collinsville, Miss

*Father:*

Jake White,  $\frac{1}{2}$  neg,  $\frac{1}{2}$  choi, d

*Mother.*

Bettie " 1/2 chor. 1/2 negro d

### Claims through

both parents

Neubau

Henry Wilson, negro (d)

*Children:*

Essie —

12

Albert —

7

Earl. - boy

66

Pearl (jane)

Claims for self  
and children

## Stenographer

H.C. Perkins

REFUSED

*Jennie Wilson et al*

DECISION ORDERED: OCT 31 1902

NOTICE OF DECISION MAILED APPLICANT.

*D. 2883*

OCT 31 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 31 1902

RECORD FORWARDED DEPARTMENT.

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 17 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 26 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 31 1903



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
**FILED**

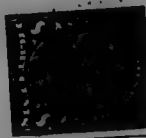
DEC 11 1902



ACTING COMMISSIONER



Reg # 120/120



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Jennie Wilson,

Collinsville,

Indian Territory.

3712  
23

Choctaw MCR 2884

Hugh Wilson

See MCR 2956, 2958, 3126  
3140, 3285, 3142, 3141, 2950, 3286

MCR 2884

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Hugh Wilson, et al.,  
 for identification as Mississippi Choctaws, consolidating the applica-  
 tions of-

Hugh Wilson, et al	M.C.R. 2884
James R. Wilson	" 2986
William Wilson	" 2988
Jesse Wilson	" 3126
Viola Lewis	" 3140
George Wilson, et al	" 3225
Emma Brooks, et al	" 3142
Alice Hudson, et al	" 3141
Joseph W. Windham, et al	" 2980
Josiah Windham, et al	" 3226

List of papers forwarded to the Secretary of the Interior  
 comprising the record in the consolidated case  
 of Hugh Wilson, et al.

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Affidavit of Edie Wilson .....	6
Affidavit of M. A. Wilson .....	7
Certificate of Clerk of Circuit Court of Haskell County, Mississippi, as to destruction of records .....	8
Certificate of Clerk of Circuit Court of Haskell County, Mississippi, as to authority of D. B. F. Crews as justice of the peace .....	9

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Original application of James R. Wilson before the Daves Commission for identification as a Mississippi Choctaw .....	10
Affidavit of Thomas Wilson .....	14
Affidavit of Henry Backstrom .....	15
Original application of William Wilson before the Daves Commission for identification as a Mississippi Choctaw .....	16
Affidavit of Thomas Wilson .....	19-A
Affidavit of Henry Backstrom .....	19-B
Original application of Jesse Wilson before the Daves Commission for identification as a Mississippi Choctaw .....	20
Affidavit of D. Ruffin .....	26
Affidavit of John Nichols .....	29
Original application of Viola Lewis before the Daves Commission for identification as a Mississippi Choctaw .....	30
Affidavit of D. Ruffin ..	36
Affidavit of Solomon Johnson .....	37
Original application of George Wilson, et al., before the Daves Commission for identification as Mississippi Choctaws .....	38
Joint affidavit of Edie Wilson and A. C. Clark .....	44
Joint affidavit of Edie Wilson and A. C. Clark .....	45
Certificate of Clerk of Circuit Court of Heshoba County Mississippi, as to authority of D.B.F. Crews as justice of the peace .....	46
Original application of Emma Brooks, et al., before the Daves Commission for identification as Mississippi Choctaws .....	47
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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 6, 1901.

In the matter of the application of Hugh Wilson for the identification of himself and six minor children as Mississippi Choctaws.

Hugh Wilson, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Hugh Wilson.  
Q What is your age? A I am about fifty two.  
Q What is your post office address? A Collinsville, Mississippi.  
Q How long have you lived there? A About ten years I reckon.  
Q Where did you live before you lived there? A Neshoba county.  
Q Where were you born? A In Neshoba county.  
Q Did you always live in Neshoba county until you lived at Collinsville? A Yes sir.  
Q What is your father's name? A George.  
Q George Wilson? A Yes.  
Q Is he living? A No sir.  
Q What is your mother's name? A Edith.  
Q Wilson? A Yes sir.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A Both of them.  
Q What was George Wilson's blood? A Mixed with Injun.  
Q What mixed with Indian? A His granddaddy was a half Injun.  
Q My question is: What blood was mixed with his Indian blood?  
A White or black?  
Q That is what I mean? A Black, I reckon.  
Q How much Indian blood did he have? A My daddy he is a quarter.  
Q How much negro---three quarters do you thin? A I don't know sir.  
Q Did he have any white blood? A Not as I know of.  
Q Did you ever hear that he had white blood? A I don't remember.  
Q Do you think the rest of his blood was negro. A I ain't certain.  
It was mixed with negro and Injun.  
Q Was he a slave before the war? A Yes sir.  
Q How much Choctaw blood did your mother Edith have? A She was a quarter.  
Q What was the rest of her blood? A Nigger.  
Q Three quarters negro? A Yes sir, I reckon so.  
Q Was she a slave before the war? A Yes sir.  
Q Don't you think you have some white blood? A I don't know.  
Q How much Choctaw blood do you claim? A One quarter.  
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw Nation by the Choctaw tribal authorities or by the United States authorities in Indian Territory?-- That is did your ancestors, your parents in this case, go to the Indian Territory and become enrolled as Indian there? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Martha.

Hugh Wilson---2.

Q What is her blood? A She is mixed.

Q Mixed what? A With Indian.

Q Indian and what? A Black.

Q Negro? A Yes sir.

Q Do you make any claim for her? A No sir, she will make claim I guess herself.

Q You can make claim for her if you want to if you think she has any Indian blood? A She says her daddy is a half Indian.

Q Do you feel able to prove her Indian blood today? A No, I would rather not.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Six.

Q Give me the name of the oldest under twenty one? A Alma.

Q Girl? A Yes sir.

Q How old? A She is about eighteen I reckon.

Q Next? A Missouri.

Q How old? A I think fifteen.

Q Now the next? A Thirteen.

Q What is the name? A Ann Eliza.

Q And the next? A Hugh Wilson, Jr.

Q How old is Hugh? A He is about eleven I reckon.

Q Next? A Alice.

Q How old? A Ten,--then Roy.

Q Next one is Roy? A Yes sir.

Q Is Roy a boy? A Yes sir.

Q How old? A He is about seven.

Q Any more? A No sir.

Q Is Martha, your wife, the mother of these children? A Yes sir.

Q Are you the father? A Yes sir.

Q Are these children living with you at your home? A Yes sir.

Q Were you married to your wife under a license? A Yes sir.

Q And by an ordained minister? A I was married by a Justice of the Peace.

Q Have you your marriage license and certificate with you now? A No sir.

Q You cannot present it to the Commission today? A No sir.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory--Did you ever go out there and have your names put on the rolls? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and children as members of the Choctaw tribe? A No sir.

Q Did you or any one for you or for your children in 1896, under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application for yourself and children before this to either the Choctaw tribal authorities or the United States authorities for admission as citizens of the Choctaw Nation? A No, sir.

Q Is this the first application of any kind you have ever made? A Yes.

Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you know what I mean when I ask if you want to be identified



Hugh Wilson---3.

as Mississippi Choctaws? A I reckon.

Q Give me an idea of what that means? A It means to be equalized with them.

Q I don't know what you mean by equalized with them--but it means do you want to be recognized by this Commission as having Choctaw blood? A Yes sir.

Q You understand that? A Yes sir.

Q You want to have this Commission, which has authority to pass upon the rights of the Choctaw people, recognize you as having Choctaw blood so that you may have rights with them? A Yes sir.

Q You understand now? A Yes sir.

Q Have either you or your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Ever had any land or money given to you by the government? A No sir.

Q Can you give the names of any of your ancestors---I mean by that any of your forefathers, your kin folks--who were recognized members of the Choctaw tribe of Indians in 1830, and who lived in the old Choctaw Nation in Mississippi and Alabama at that time? A No sir.

Q Can you give the name of your father's father or father's mother? A Yes sir, my father's father was named Tom.

Q Tom Wilson? A Yes sir.

Q Was he a slave? A Yes sir.

Q What was your father's mother's name? A Kitty

Q Was she a slave? A Yes sir.

Q How much Choctaw blood did your father's father and father's mother have? A My father's father was one half.

Q And your father's mother? A No sir.

Q She didn't have any Choctaw blood? A No sir.

Q She was a negro? A Yes sir.

Q Can you give the names of your mother's father or mother's mother?

A Her mother was named Charity.

Q Was she a Choctaw? A She was one half.

Q Have you any documentary or other proof that your father's Choctaw ancestors or your mother's Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A No sir.

Q Did any of your ancestors, if Choctaw Indians, remove from Mississippi or Alabama and go to the Indian Territory with the other Indians when they went between 1833 and 1838? A No sir.

Q Do you claim your rights as beneficiaries for yourself and children under the provisions of the fourteenth article of the treaty of 1830? A I don't really understand it.

Q I will read the fourteenth article to you:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the

Hugh Wilson----4.

"head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

All of the Choctaws Indians of which that tribe was composed lived in Mississippi and Alabama in 1830. They were not living anywhere else, that is where they were living then, and the government wanted to have them all go into the Indian Territory so they could have a tribal government there, unmolested by the white man or anybody else. So they made this treaty with them. Now a treaty is the same as an agreement. It is kind of a contract or compact. An agreement is between individuals, the same thing is called a treaty when it is between nations. The object of the treaty was to get all of the Indians in Mississippi and Alabama to go to the Indian Territory and in the years following the ratification of the treaty, between the years 1833 and 1836, a great many Indians went to the territory. Some didn't go, and declared they would not go before the treaty was ratified. In order to do justice to their rights, article fourteen was added. An article is a sub-division of a treaty. That article said they should do certain things if they wanted to stay in Mississippi, and if the Indians did those things enumerated and laid down in article fourteen, then if they afterwards wanted to go to the Indian Territory, they could do so and would not be deprived of their rights as Choctaw Indians. They could take land as the other Indians in Indian Territory, but they could not have annuities that the other Indians had at that time. Article fourteen says that they must do certain things. Those things are, that within six months after the ratification of the treaty of 1830, the Choctaw desiring to remain in Mississippi should go to the Indian Agent Colonel Ward--should go to his office and tell him they wanted to stay in Mississippi and didn't want to go to the territory. That they wanted ~~the~~ land in Mississippi and wanted to become citizens of the United States. That was what would be called a declaration of their intention to stay in Mississippi and become citizens of the United States. If they lived on the land for five years the government would give them a patent. You claim that away back there seventy years ago, there were Choctaws living in Mississippi or Alabama that you are descended from,--that you had ancestors away back there who were Indians. Do you know whether as a matter of fact any of your Choctaw Indian ancestors complied with article fourteen of the treaty of 1830 as I have explained it to you? A No sir.

Q If you can get proof of any kind --either oral or documentary-- proof of any kind, to show that you are descended from Mississippi Choctaw ancestor or ancestors and that these Choctaw ancestors, any of them ~~were~~ either complied or attempted to comply with article fourteen of the treaty of 1830, I will give you time to do it, unless you have such proof now? A No sir, my witness did not come.

Q Have you any documentary evidence of any kind you want to give me now? A No sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence, or introduce further testimony in regard to this application.

Q Have any of your ancestors ever claimed or received any land in Mississippi from the United States government under article fourteen of the treaty of 1830 that you know of? A No sir.

Hugh Wilson---- 3.

- Q Can you speak the Choctaw language? A Yes sir.  
Q Can you speak it pretty fluently? A I think so.  
Q Suppose I call up a Choctaw Indian, can you talk with him? A Yes sir.  
Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No, sir.

Here official interpreter Isham Johnston is called and holds conversation with applicant in the Choctaw language.

- Q How did you learn Choctaw? A Learned it myself.  
Q Living with them? A No, they used to live close to me, and I used to be with them on Sundays and played ball with them.

This applicant has the appearance and physical characteristics of a person descended from an ancestry of mixed blood composed of negro and Choctaw, in which the Choctaw is apparent. He has some knowledge of the Choctaw language having held a somewhat extended conversation with the official interpreter in that language, but no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The decision of the Commission as to your application for identification as Mississippi Choctaws which you make for yourself and your six minor children will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 6th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 15th day of July, 1901.

*[Signature]*  
Notary Public.

J.F.W.  
C.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Hugh Wilson, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

Hugh Wilson, et al	M.C.R. 2884
James R. Wilson	" 2956
William Wilson	" 2958
Jesse Wilson	" 3126
Viola Lewis	" 3140
George Wilson, et al	" 3265
Emma Brooks, et al	" 3142
Alice Hudson, et al	" 3141
Joseph W. Windham, et al	" 2980
Josiah Windham, et al	" 3286

--: DECISION :--

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Hugh Wilson for himself and his six minor children, Alma, Masce-  
ri, Ann Elisa, Hugh Jr., Alice and Roy Wilson; by James R. Wilson  
for himself; by William Wilson for himself; by Jesse Wilson for  
himself; by Viola Lewis for herself; by George Wilson for himself  
and his eight minor children, Commodore, Wade, Armina, Howard, Onie  
B., Ludie, Senie and Rush Wilson; by Emma Brooks for herself and her

inor child, Savannah Brooks; by Alice Hudson for herself and her five minor children, William Henry, George, Johnnie, Lizzie and Izzie Hudson; by Joseph W. Windham for himself and his five minor children, Kathleen, Essie, Abraham, Dora and Wellie J. Windham under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Tom (or Tom Wilson) and Charity, (or Charity or Charrity Windham, or Windom) both of whom are alleged to have been half blood Choctaw Indians and to have resided in Mississippi in eighteen hundred and thirty. All the applicants embraced in application M.C.R. 3286 also claim through Elsie (or Elsie Windham) who is alleged to have been an one half blood Choctaw Indian.

It further appears from the testimony of the principal applicant that his wife, Martha Wilson, was possessed of some Indian blood, though he does not state positively that it was Choctaw, but in order that those applicants who are descendent from her shall have every possible right which they may possess as Mississippi Choctaws fully adjudicated, the said Martha Wilson will also be considered as one of their Choctaw ancestors through whom they claim their right to identification as such Mississippi Choctaws.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tom (or Tom Wilson) or Charity, (or Charity r Charrity Windham, or Windom) or Elsie (or Elsie Windham) or Martha Wilson signified (in person or by proxy) to Colonel Wm. Ward, India Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 ( 5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**Commissioner.**

FFP 77 1903



COPY

Muskogee, Indian Territory, February 11, 1903.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3126
Viola Lewis,	M.C.R. 3140
George Wilson et al.,	M.C.R. 3285
Emma Brooks, et al.,	M.C.R. 3142
Alice Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2950
Josiah Windham, et al.,	M.C.R. 3286

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Lizzie Hudson, Izzie Hudson, Joseph W. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, Dora Windham and Wellie J. Windham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the ap-



M.C.R. 2884

COPY:

Muskogee, Indian Territory, February 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3126
Viola Lewis,	M.C.R. 3140
George Wilson et al.,	M.C.R. 3285
Emma Brooks, et al.,	M.C.R. 3142
Alice Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2950
Josiah Windham, et al.,	M.C.R. 3286

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Lizzie Hudson, Izzie Hudson, Joseph W. Windham, Leuvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, Dora Windham and Willie J. Windham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the ap-

M. McK & C,--- - -----2

plications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

THOMAS

*James Dixie*

Acting Chairman

COPY.

M.C.R. 2884

Muskogee, Indian Territory, February 11, 1903.

Hugh Wilson,  
Collinsville, Mississippi.

Dear Sir:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3126
Viola Lewis,	M.C.R. 3140
George Wilson, et al.,	M.C.R. 3285
Emma Brooks, et al.,	M.C.R. 3142
Alice Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2950
Josiah Windham, et al.,	M.C.R. 3286

These applications were made under the provision of the act of Congress of June 28, 1898. (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

Hugh Wilson-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Lizzie Hudson, Izzie Hudson, Joseph W. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Basie Windham, Abraham Windham, Dora Windham and Wellie J. Windham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tams Dixie*

Acting Chairman

Registered.

COPY.

Muskogee, Indian Territory, February 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Hugh Wilson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 11, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Hugh Wilson, et al.	M.C.R. 2884
James R. Wilson	M.C.R. 2956
William Wilson	M.C.R. 2958
Jesse Wilson	M.C.R. 3126
Viola Lewis	M.C.R. 3140
George Wilson, et al.	M.C.R. 3285
Emma Brooks, et al.	M.C.R. 3142
Alice Hudson, et al.	M.C.R. 3141
Joseph W. Windham, et al.	M.C.R. 2950
Josiah Windham, et al.	M.C.R. 3286

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*James Dixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. 2884

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR.

FHE

D.C.14420  
I.T.D. 2810-1903.

WASHINGTON.

May 11, 1903.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 27, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Hugh Wilson (M.C.R.2884), for himself and his six minor children, Alma, Missouri, Ann Eliza, Hugh Jr., Alice and Roy Wilson; of James R. Wilson for himself; of William Wilson for himself; of Jesse Wilson for himself; of Viola Lewis for herself; of George Wilson for himself and his eight minor children, Commodore, Wade, Armina, Howard, Onie B., Ludie, Senie and Rush Wilson; of Emma Brooks for herself and her minor child, Savannah Brooks; of Alice Hudson for herself and her five minor children, William Henry, George, Johnnie, Lizzie and Izzie Hudson, of Joseph W. Windham for himself and his minor child, Louvina Windham; and of Josiah Windham for himself and his five minor children, Kathleen, Essie, Abraham, Dora and Wellie J. Windham, including your decision of February 11, 1903, refusing to identify them as such.

All of these applicants except those whose applications are embraced in the cases entitled Joseph W. Windham et al., and

Josiah Windham, et al., are descendants of George and Edith Wilson, both of whom were slaves. George Wilson was the son of an one half blood Choctaw named Tom Wilson, who was a slave, and his negro wife, Kitty, who was also a slave. The said Edith was born about the year 1821. She was the daughter of an one-half blood Choctaw named Charity Windham, who died in Neshoba or Kemper county. She was a slave. Applicants Joseph W. Windham et al., trace their Choctaw descent from the said Charity Windham through her son Levi Windham. Applicants Josiah Windham et al, also trace their Choctaw descent from Charity Windham, apparently through her daughter, Elsie. The various members of this family have probably resided in Neshoba County, Choctaw Nation, for the last 70 years. The more remote ancestors of the applicants were residents of Alabama.

It is also noted that Martha Wilson, the wife of the principal applicant, was possessed of some Indian blood, but the names of her ancestors do not appear.

The testimony as furnished by the record fails to show that the applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the Government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the al-

leged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 13, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

In your decision you state that Joseph W. Windham makes application for himself and his five minor children, Kathleen, Essie, Abraham, Dora and Wellie J. Windham, while as a matter of fact, he applies for his minor child, Louvina Windham, and Josiah Windham applies for himself and his five minor children above named. The records in your possession should be corrected accordingly.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.



(COPY)  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land  
13887-1903.

WASHINGTON,

March 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Hugh Wilson for himself and his six minor children, Alma, Missouri, Ann Eliza, Hugh Jr., Alice and Roy Wilson; James R. Wilson; William Wilson; Jesse Wilson; Viola Lewis; George Wilson, for himself and his eight children, Commodore, Wade, Armina, Howard, Onie B., Ludie, Senie and Rush Wilson; Emma Brooks, for herself and her minor child, Savannah Brooks; Alice Hudson for herself and her five minor children, William Henry, George, Johnnie, Lizzie and Izzie Hudson; Joseph W. Windham, for himself and his five minor children, Kathleen, Essie, Abraham, Dora and Wellie J. Windham, wherein a decision adverse to the applicants was rendered by the Commission on February 11, 1903.

An examination of the evidence in this case shows that the applicants claim identification by reason of descent from Tom Wilson and Kitty, his wife, Charity Windham and Elsie Windham,

-2-

and that they are unable to trace their ancestry beyond the persons mentioned above, who were slaves.

The Commission states in its decision rejecting these applicants that its records do not show that Tom (or Tom Wilson) or Charity, (or Charity Windham or Windom) or Elsie (or Elsie Windham) or Martha Wilson, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

Although the evidence, as above given, does not set out the name of any ancestor through whom the applicants could properly base a claim to identification as Mississippi Choctaws, the office has caused a search to be made of its records for the names of Tom and Kitty Wilson, and Charity and Elsie Windham, who are given as ancestors, but who, it is stated, were slaves and therefore not entitled to secure reservations as citizens of the Choctaw Nation in 1830, and as a result of such search, these names are not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A.C. Tonner

Acting Commissioner.

E.B.H. H'r.

3 enclosures

COPY.

M.C.R. 2884

Muskogee, Indian Territory, May 22, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh Wilson, et al., of which decision you were advised by mail on the 11th day of February, 1903.

Respectfully,

(SIGNED).

Chairman.

COPY.

M.C.R. 2884

Muskogee, Indian Territory, May 22, 1903.

Hugh Wilson,

Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED).

*James Bixby.*

Chairman.

Consolidated Case  
of

Hugh Wilson et al.

Refer to No. 2484

CARD No.	NAME	RESIDENCE DISTRICT	POST OFFICE	Age	Sex
----------	------	-----------------------	-------------	-----	-----

(1)

mar  
2884  
Alma Wilson 18  
Missouri " 15  
Ann Eliza " 13  
Hugh " Jr. 11  
Alice " 10  
Roy " 7

mar  
2884  
Tom Wilson  $\frac{1}{2}$   
slave  
George Wilson  $\frac{1}{4} + \frac{3}{4}$  neg  
slave (dead)  
Hugh Wilson 52- $\frac{1}{4}$   
(or Hugh " )  
slave  
Kitty Wilson  
(neg) slave  
wife  
Edith Wilson (or  $\frac{1}{2}$ ?)  
( $\frac{1}{4} + \frac{3}{4}$  neg)  
slave (800 or 92)  
(or Edie or Eady)  
wife  
Martha Wilson  
(or Mattie " ) (Ind + neg)  
X  
Charity  $\frac{1}{2}$   
slave  
(or Charity Windham)  
(or " Windom)

mar  
2956  
James R. Wilson 30- $\frac{1}{8}$   
men  
2958  
William Wilson 26- $\frac{1}{8}$   
mar  
3126  
Jesse Wilson 25- $\frac{1}{8}$   
wife  
Areola Wilson  
mar  
3140  
Viola Wilson 23- $\frac{1}{8}$   
mar  
George Lewis

X Conflict in testimony as to grand + great grandparents.

Tom Wilson 1/4  
(Slave)

↓  
Kitty Wilson  
(neg) Slave

+ Charity 1/2  
(or " Windham  
(or " Widow

+ conflict in testimony of applicants as to  
grand + great grandparents

George Wilson 1/4 + 1/2 neg  
Slave (dead)

wife  
Eddie Wilson (born 1800s)  
Slave 1/4 + 3/4  
(or Eady " )

George Wilson 1/8 + 1/4 neg  
Slave

wife  
Sarah Wilson  
(neg)

mer 3141  
Alice Wilson 25-1/4  
mar  
Henry Hudson  
neg (son Hudson)

Levi Wilson

Wilson  
Mark Wilson

mer 3285  
Commodore Wilson 20  
Wade " 17  
Armina " 15  
Howard " 13  
Onie B. " 11  
Ludie " 9  
Lemie " 7  
Rush " 2

mer 3142  
Emma Wilson 22-1/8  
mar  
General Brooks  
(neg) dead

mer 3141  
William Henry Hudson 9  
George " 8  
Johnnie " 6  
Lizzie " 4  
Lizzie " 2

mer 3142  
Savannah Brooks 2

Ed Wilson  
Mose "  
Huse "  
Andy "

Tom Wilson's  
(slave)

↓

Kitty Wilson  
(neg) slave

Levi Windham  
or " Windom

wife

Tenar Windham  
slave (neg + w?)

men  
2950

Joseph W. Windham 32  $\frac{1}{8}$

wife

Fannie Windham  
(negs)

men  
2950

Louvinia Windham 12

Charity  $\frac{1}{2}$   
slave  
(or Charity Windham  
(or " Windom)

Jodie Windom

Willie "

Dennis "

Ted "

Chatty Windom  
man

Gordon

Jane Windom  
man

Davis

A Cor. list in testimony  
as to g. and parents etc.



mer  
3286  
Rathleen Windham 12  
" Essie " 10  
" Abraham " 7  
" Dora " 5  
" Wellie J. " 3

mer  
3286  
Josiah Windham 38-1/4 neg.  
Slave  
ma  
Sarah Wilson  
(neg)

Tom Wilson 1/2  
(slave)  
↓  
Kitty Wilson  
(neg) Slave

Jesse Windham 1/2 neg.  
Slave (dead)  
wife  
Elsie Windham 1/2 + 1/2 neg.  
Slave (dead)  
Charity Windham 1/2  
Slave  
(or Charity Windom)  
or Charity

Patterson Windom  
Eddie Windom  
Catherine Windom  
Hackett Windom  
Ellen Windom  
Viola Windom  
Neeley Windom  
Cassie Windom ?  
mar  
— Sims  
Annie Windom  
mar  
— Nichols

1096

No.

For Identification as a Mississippi Choctaw.

Date

JUL 6 1907

Name

Hugh Wilson

Age

52

Blood

1/4

Post Office

Collinsville, Miss

Father:

<sup>1/4 choct.</sup> George Wilson, d

Mother:

<sup>1/4 choct. 3/4 negro</sup> Edith "

Claims through  
wife

both parents,  
Martha - Ind. & Negro.

No claim for wife -

Children:

Alma (gnc) 18 ~~18~~

Maicouri - 15

Ann Eliza - 13

Hugh (Jr) 11

Alice - 10

Roy (boy) 7

Claims for self &

children -

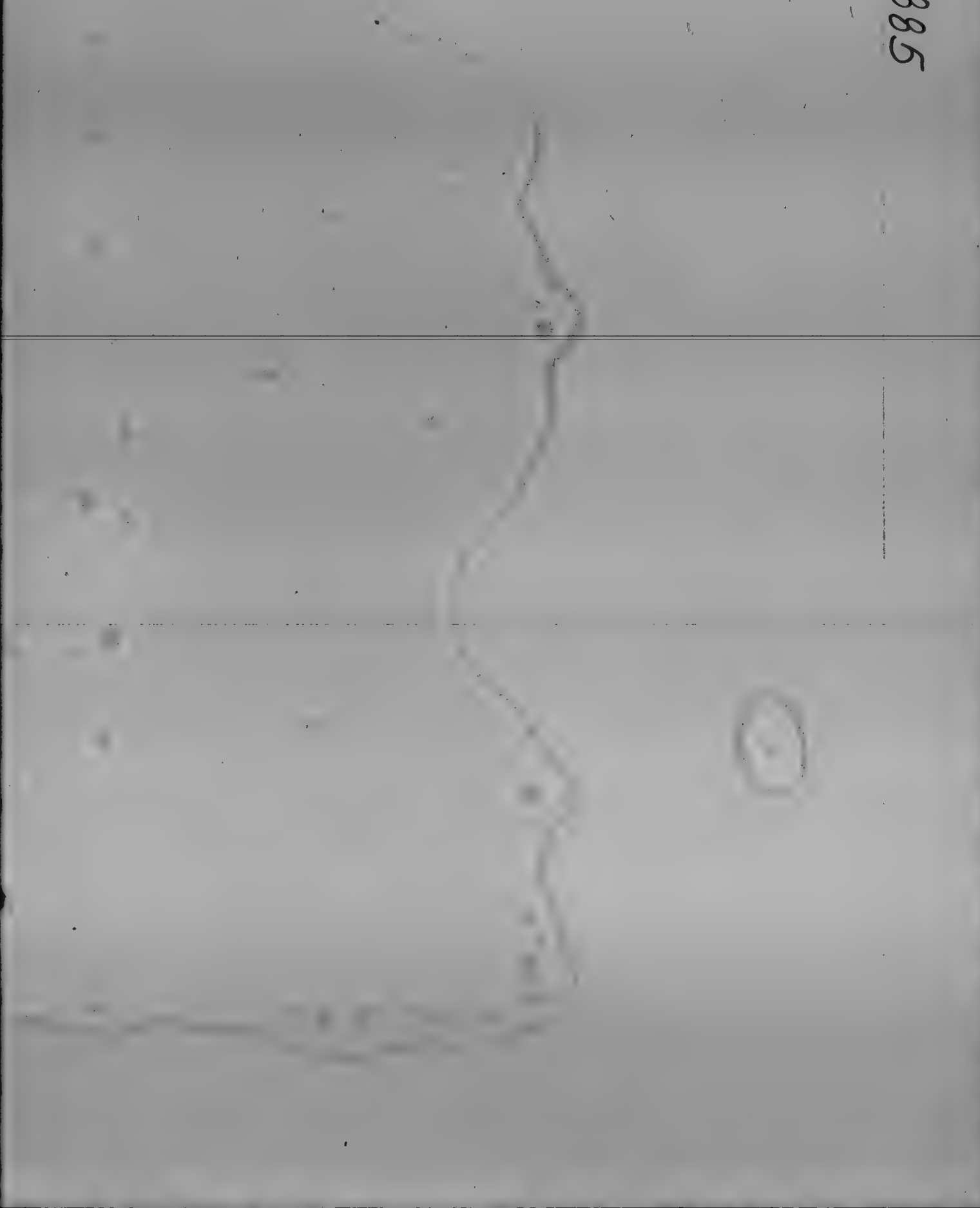
Stenographer

H. C. Risteen

Choctaw MCR 2885

Henry Backstrom

MCR 2885



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Henry Backstrom, et al., for identification as Mississippi Choctaws, M O R 2355.

List of papers forwarded to Secretary of the Interior  
comprising the record in above entitled case.

Original application of Henry Backstrom  
et al., to the Dawes Commission for identification as Mississippi Choctaws..... 1  
Affidavit of H. W. Wilson..... 3  
Affidavit of Thomas Wilson..... 6  
Decision of the Commission refusing the  
application of Henry Backstrom, et al.,  
for identification as Mississippi Choctaws..... 7

-----

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 6, 1901.

In the matter of the application of Henry Backstrom for the identification of himself and three minor children as Mississippi Choctaws.

Henry Backstrom, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Henry Backstrom.  
Q What is your age? A Forty years old.  
Q What is your post office address? A Collinsville, Mississippi.  
Q What is your occupation? A School teacher.  
Q How long have you been teaching school? A I have been trying to teach twenty years--I reckon I have been reaching about ten.  
Q How long have you lived at Collinsville? A Eleven years.  
Q Where were you born? A Philadelphia, Neshoba county, Mississippi.  
Q How long have you lived in Neshoba county? A Reared in Neshoba  
Q Always lived there? A Yes, until I moved to Lauderdale.  
Q How long have you lived in Lauderdale? A Eighteen years.  
Q What is your father's name? A Henry Backstrom.  
Q Is he living? A No sir, dead?  
Q What is your mother's name? A My mother's name was Frances Backstrom.  
Q Is she living? A Dead.  
Q Through which one of these parents do you claim Choctaw blood?  
A ~~Through~~ Through my mother and father.  
Q How much do you claim? A There is a little hitch in this. Before these gentlemen down her I said they were one half. I don't mean to say that is true. My father's mother was one half Indian and he was that part Indian that he would get from her--his father was a white man--My father is one quarter.  
Q Your father is one quarter Choctaw? A Yes sir.  
Q And the rest is what? A Negro and white  
Q Was he a slave before the war? A Yes, a slave to his half brother.  
Q Now your mother's blood is how much Choctaw? A Her mother was three quarters Indian--my grandmother was three quarters Indian--My mother was three eighths.  
Q What was the rest of her blood? A The rest of her blood was negro.  
Q Was she a slave before the war? A She was.  
Q What quantity of Choctaw blood do you claim? A I claim Five-sixteenths.  
Q Have your parents through whom you claim in your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A My wife's name is Emma.  
Q What is her blood? A I don't know--- I am afraid to say.  
Q What do you think about it? A I think she resembles Indian.

Henry Backstrom----2.

- Q Do you think she has colored blood? A Yes sir.
- Q Is she a mixture of colored and Indian? A Yes sir.
- Q Do you make any application for her? A No sir, I am not prepared to make any application for her.
- Q Give me the name of your oldest child unmarried and under twenty-one? A Leona.
- Q How old? A She is eight years old.
- Q What is the next one? A Jesse.
- Q A boy? A Yes a boy, he is six years old.
- Q What is the next? A Henry C.
- Q How old is Henry C. A Four years old.
- Q Next? A That is all.
- Q Is Emma the mother of these children? A Yes sir, Emma is the mother of those children.
- Q And you are the father? A That is what she said, yes sir.
- Q When and where were you married to her? A I was married in Newton county, in 1890.
- Q Were you married by a minister? A Yes sir.
- Q And under license? A Yes sir.
- Q Have you your marriage license and certificate with you now? A No sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for yourself and children to be enrolled as members of the Choctaw tribe? A No sir.
- Q Did you or any one for you or for your children in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time made application for yourself and children to either the Choctaw tribal authorities or to the authorities of the United States to be admitted or enrolled as members of the Choctaw Nation? A No sir.
- Q Is this the first application of any kind you have made? A Yes sir.
- Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and them? A Yes sir.
- Q Do you understand what I mean when I ask if you make application for identification? A Yes sir.
- Q Do you claim your right to identification as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that treaty and understand what I mean by claiming rights under that article? A Yes sir, I think I have read it.
- Q Have you or your ancestors ever received any benefits as Choctaw Indians--any land or money from the government? A No sir.
- Q Can you give the names of any of your ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A My father and mother were here.
- Q They were living here in 1830? A Yes sir, they were here.
- Q You mean Henry and Frances Backstrom? A Yes sir.
- Q Do you know the names of the parents of either your father or mother? A My father's mother was named Thyme.

Henry Backstrom----3.

- Q Was she a Choctaw Indian? A I have never seen her--I understand that she was, three partes Indian--I have understand that all my life
- Q Have you heard that from outsiders? A Yes, from my father.
- Q Was she a slave? A Yes, she was a slave.
- Q Can you go back to your Indian ancestor and tell the Commission the source of your Indian blood, in which ancestor was free and not a slave? A My mother's grandfather was free on the Indian side.
- Q Can you give the name? A No sir.
- Q I would like you, if you can, to give as positively as you can the ancestor and the name of the ancestor if possible from which the Choctaw blood comes from a free source? A That is more than I can do. I can't tell you on the Indian side. I can name on my mother's side what I have been told all my life.
- Q Can you tell who was a full blood on that side? A My mother said that a certain class of Indians who lived by us claimed her as their kin and they understood with each other as being kin. But to go ahead and tell about my father's folks I couldn't do it.
- Q Can you tell if any of your ancestors, if Choctaws, removed from Mississippi or Alabama to the Indians Territory when the other Indians went there between the years 1833 and 1836? A No sir, I don't know.
- Q Do you know whether any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 went to the Indian Agent and told him they wanted to stay in Mississippi and become citizens of the United States? A I don't know whether they did or not.
- Q You don't know about your ancestors at that time, what they did or anything of this sort in connection with complying with article fourteen? A No sir.
- Q Have any of your ancestors ever claimed or received any land from the United States government under article fourteen of the treaty of 1830? A No sir.
- Q Can you speak the Choctaw language? A I speak a word or two. I have taught several schools among the Indians and I used to talk their language, but I don't speak only a few words of it now.
- Q You learned your Choctaw in casual association with them? A Yes
- Q Could you carry on an ordinary conversation with them? A No sir, I can say only a few words.
- Q Are there any additional statements you want to make in support of this application? A No sir, I reckon not.
- Q Have you any documentary evidence, affidavits, copies of records deeds or patents or any other proper papers that you want to file now in support of your application? A No sir.
- Q Do you want time in which to ~~submit~~ present evidence in support of your application? A Yes sir.

Thirty days time from the date hereof is allowed applicant in which to file documentary evidence or present any other kind of evidence in support of this application.

This applicant has the appearance and general characteristics of a person descended from mixed ancestry of negro white and Indians blood. The Negro predominates but there are features which indicate the Indian blood--rather thin lips, high cheek bones, and long thin nose. He has only a smattering of the Choctaw language and is not able to carry on an ordinary conversation in that language, and no knowledge of any compliance on the part of his ancestors with any of the provisions of art-

Henry Backstrom----4.

Article fourteen of the treaty of 1830.

The decision of the Commission as to your application for the identification of yourself and three minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty-first section of the act of Congress of June 28th, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 6th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of July, 1901.

*[Signature]*

Notary Public.



*W.M.*  
*C.W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Henry Backstrom, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2865.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Henry Backstrom for himself and his three minor children, Leona, Jesse and Henry C. Backstrom, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Thyme, who is alleged to have been a Choctaw Indian (degree of blood not positively stated), and Frances Backstrom, who is alleged to have been a three eighths blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and Sealy

Backstrom and Danial Backstrom, who are alleged to have been three quarter and half blood Choctaw Indians respectively.

Note. There is a conflict in the testimony of the principal applicant and the affidavits filed by him in support of his application, relative to his Choctaw ancestry, inasmuch as he states that his paternal grandfather was a white man, whose name he does not give, and his paternal grandmother was named Thyme and was part Choctaw, while in the affidavits it is stated that affiants "are acquainted with Sealy Backstrom and Danial Backstrom, the grandmother and grandfather of Henry Backstrom" and that they were "3/4 and 1/2 blood Mississippi Choctaw Indians respectively." From the surname of the principal applicant it would appear that the persons mentioned in the affidavits above referred to as his grand parents were such in the paternal line; this is in direct conflict with the testimony of the applicant, and by reason of this conflict it is impossible to state positively the names of the ancestors from whom these applicants claim, consequently all of them have been considered in setting forth their Choctaw ancestry.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Thyme or Frances Backstrom, or Sealy Backstrom, or Danial Backstrom, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the pre-

visions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Backstrom, Leona Backstrom, Jesse Backstrom and Henry C. Backstrom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tame Dixie.

Acting Chairman.

T. B. Nodden.

Commissioner.

C. R. Brockmeyer.

Commissioner.

Muskogee, Indian Territory,

DEC 6 1887.

COPY

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Henry Backstrom, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M. C. R. 2885.

POOR ORIGINAL -  
BEST AVAILABLE COPY

M.C.R.2885

Muskogee, Indian Territory, December 6, 1927.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Backstrom, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (35 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Backstrom, Leona Backstrom, Jesse Backstrom and Henry C. Backstrom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tamc Dixby.*

Acting Chairman.

POOR ORIGINAL -  
BEST AVAILABLE COPY

M.S.R.2815

COPIES

Muskogee, Indian Territory, December 6, 1901.

Henry Backstrom,

Collinsville, Mississippi.

Dear Sir:-

You are hereby advised that on the 6th day of December, 1901, the Commission to the Five Civilized Tribes rendered a decision in the case of Henry Backstrom, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Backstrom, Leona Backstrom, Jesse Backstrom and Henry G. Backstrom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office.

H. B., 2.

POOR ORIGINAL -  
BEST AVAILABLE COPY

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*Tame Bixby.*

Acting Chairman.

Registered.

( C O P Y )

D.C.16025

J.W.H.

I.T.D.3378-1903.

FHE

L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

May 25, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of Henry Backstrom (M.C.R.2885), for himself and his three minor children, Leona, Jesse and Henry C. Backstrom, including your decision of December 6, 1902, refusing to identify them as such.

The principal applicant, whose degree of Choctaw blood is five-sixteenths, was born in Neshoba County, Mississippi, and has lived in that and in Lauderdale County all his life. His parents, Henry and Frances Backstrom, were both slaves. The former was a quarter blood Choctaw; the latter, a three-eighths blood. Applicant claims that his father's mother was a Choctaw woman named Thyme. It also appears that his grandparents were named Sealy and Daniel Backstrom.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1930, or with the subsequent acts of Congress relating thereto.



It further appears that the records of the government in your possession, as well as those of the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claim.

Reporting in the matter March 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

( C O P Y )

Land.

76242-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Henry Backstrom for himself and his three minor children, Leona, Jesse and Henry C. Bakostrom for identification as Mississippi Choctaws, claiming as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Daniel and Sealy Backstrom and one Thyme, who it is alleged were Choctaw Indians and residents in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through Henry Backstrom, Sr., and Francis Backstrom, father and mother of the principal applicant.

The Commission rejected the applicants December 6, 1902, because the names of the ancestors through whom they claim, do not appear on their records, among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that they had never been enrolled as citizens of the Choctaw Nation.

The Commission also note the fact that the affidavits filed by the principal applicant in support of his application, relative to his Choctaw ancestry, conflict with his testimony.

An examination of the records of this office has been made with reference to the names Daniel and Sealy Backstrom, Thyme and Henry Backstrom, Sr., and Francis Backstrom and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

It is therefore the opinion of this office, that the decision of the Commission rejecting the applicants is correct and is respectfully recommended for approval.

Very respectfully,

A. C. Tonner,  
Acting Commissioner.

C.T.C.

M.C.R. 2885

COPY

Muskogee, Indian Territory, July 15, 1903.

Henry Backstrom,  
Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Henry Backstrom, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

SIGNED

*T. B. Needles.*  
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 15, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Henry Backstrom, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

#1097

No.

For Identification as a Mississippi Choctaw.

Date JUL 6 1901

Name Henry Backstrom

Age 40 Blood 5/16

Post Office, Collinsville, Miss.

Father: Henry Backstrom (d)

Mother: Frances " (d)

Claims through both parents  
wife Emma, col. & ind.

No app. for wife.

Children: Leona 8  
Jesse 6  
Henry B. 4

Claims for self  
& children

Stenographer H. C. Rishin

R. 2885  
Henrij Backstrom, et al.

DECISION RENDERED DEC 7 1902

Choctaw MCR 2886

Joseph O. Flores

MCR 2886



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2886

In the matter of the application of Joseph O. Flores for the identification of himself and his five minor children as Mississippi Choctaws.

Joseph O. Flores being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joseph Florris.  
Q How do you sign your name? A Joseph O.  
Q How do you spell your last name? A F-l-o-r-e-s.  
Q What is your age? A Forty six.  
Q What is your post-office address? A Carmel, Louisiana.  
Q How long have you lived there? A Always.  
Q Were you born in Louisiana? A Yes.  
Q And never have had a residence any where else? A No where else; I am living right near there now.  
Q What is your father's name? A Onofre Flores.  
Q Spell that please. A O-n-o-f-r-e.  
Q Is he living? A No.  
Q What is your mother's name? A Mary.  
Q She is living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I think not; no.  
Q Are you married? A Yes.  
Q What is your wife's name? A Sallie.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q Have you any children in your family under twenty one and unmarried for whom you wish to make application at this time? A Yes, I have five; Sloan, fourteen; Ben, twelve; Oscar, seven; Mary, nine; Clayton, eight months.  
Q S-l-o-a-n? A Yes.  
Q These are all your children? A Yes.  
Q What is the name of their mother? A Sallie.  
Q When and where were you married to her? A In Louisiana.  
Q When? A In '82.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A By minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A Yes.  
Q Have you it here? A No.  
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application on behalf of your minor children. A Yes, I can furnish it alright.  
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, I think not.  
Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A I have not.  
Q Did you or did any one for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes for citi-

zenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A I have not.

Q Is this the first application of any description you have ever made? A Yes.

Q You now wish to make application for identification as a Mississippi Choctaw? A I do.

Q Well, how do you make your claim at this time? A Well I am claiming on my mother.

Q What do you claim on your mother? A I claim my right I suppose; if she had any as a Indian.

Q What do you claim through your mother? A My right I suppose.

Q Well, what does your right consist of? A (No answer).

Q Why do you come here to make application at this time? A To get a right in this matter.

Q What makes you think you are entitled to it? A Cause she has some blood in her.

Q You are making your claim then because you have been taught that your mother had Choctaw blood? A Yes.

Q Do you make your claim under any treaty stipulation between the United States and the Choctaw Indians? A I suppose so.

Q Which particular ones do you claim under now? A Choctaw.

Q Well, what treaty or treaties are you basing your claim on at this time? A Really I don't know how to answer that.

Q The law giving the Commission the power to identify Mississippi Choctaws gives it authority to identify those who claim their rights under the fourteenth article of the treaty of 1830. In 1830 the United States was anxious to remove the Choctaw Indians from the State of Mississippi to lands West of the Mississippi River to open up Mississippi to white settlement. The white people were coming in there, so many of them, that it was impossible to protect the Choctaw Indians any longer in their tribal government; and the United States could not get a treaty with Indians until some provision was made for those Choctaw Indians who didn't want to come West but wanted to stay in Mississippi. So article fourteen was made for the benefit of those those Indians who didn't want to come West and after that the treaty was signed and ratified by the Choctaw Indians and the United States. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who wanted to remain in Mississippi could do so by going to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and telling him that they wanted to stay in

Joseph O. Flores---3

Mississippi and receive land there; in that event they could receive a reservation of land there for their children and themselves; and the article further provided that by doing so they would not lose the privilege of Choctaw citizenship, but, if they ever removed they were not to be entitled to any part of the Choctaw yearly payments of money. Do you make your claim under that article? A I don't understand really how to answer that question.

Q Do you understand the provisions of that article of that treaty as they have been explained to you? A No, I don't know that I do.

Q Well, you don't know that you make any claim except through your Indian blood and the fact that you have always been taught that your mother possessed Indian blood? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A None at all.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty was made? A Robleau.

Q What was the first name? A I declare I don't know.

Q How do you spell that name? A Roble or Roblo.

Q Is this Roble a man or woman? A Woman.

Q What relation was she to you? A She is my mother.

Q But your mother's name was Mary Flores. A Yes, but her maiden name was Roblo.

Q Well, I asked you what the first name of this Roblo was and you said you didn't know? A I thought you meant my grandmother.

(Mr. Arnold, attorney for applicant, says she is speaking of his grandmother.)

Q I am speaking of the one who lived in Mississippi in 1830 and you don't know who that was? A I suppose that is my grandmother and I don't know who that was.

Q So the ancestor through whom you claim was your grandmother? A I suppose that's the way it comes.

Q Your mother's mother? A Yes.

Q And you don't know her Christian name? A I don't know; only Roble.

Q Was she a Choctaw Indian? A So I have been told; yes.

Q Have you any evidence of that fact? A Yes I have.

Q Of what does that evidence consist? A Well that they say they know it.

Q Is it oral testimony of witnesses or depositions or affidavits, or what form is it? A Yes, I have affidavits.

Q Are there witnesses living who know these facts of their own personal knowledge? A Yes.

Q Can you bring them before the Commission to testify? A Yes, I could. It would be of very material advantage if you could have them brought before the Commission in person if you could do it.

Q Did this ancestor through whom you claim the right to identification remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other member of the Choctaw tribe from 1833 to 1838? A I don't know.

Q If she did not remove do you know whether she went to the Indian agent there in Mississippi within six months after the ratification of the treaty and told him that she wanted to stay in Mississippi and become a citizen of the United States? A I don't know.

Q Is there any one living who could testify on either of these two points? A I don't know.

Q You have the evidence of no person then as to either of these facts? A No.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A None that I know of.

Joseph Flores---4

- Q Did they ever receive any land from the Government under this treaty? A No.
- Q Did any of them ever receive any scrip from the government under this treaty? A None that I knew of.
- Q Have you any evidence that your grandmother Roble lived in Mississippi in 1830? A Yes I think I have.
- Q That is one of the points that you think these witnesses can testify to? A I don't know; they can testify as to the Indian blood, but I suppose they can't hardly testify as to where they are from- they are both very old.
- Q Well, do you know anyone who could testify as to her living in Mississippi in 1830? A No.
- Q Is there anything else you would like to say in support of your application at this time? A I believe not.
- Q Have you any documentary evidence that you want to file now? A Not just now.
- Q Any papers or anything? A Not just now.

Examination by J.E. Arnold:

- Q Mr. Flores, you have always been taught that you are eighth Choctaw? A Yes.
- Q That your mother was a quarter? A Yes.
- Q That your grandmother was a half? A Yes.
- Q And was named Roble and the Christian name you don't know at this time and that she was there and resided in Mississippi? A Yes.
- Q And the evidence you spoke a while ago of is in the form of affidavits? A Yes.
- Q How far do these witnesses live from here? A They live right there close to where I live.
- Q That is about two hundred and fifty or three hundred miles? A Yes.
- Q Are you financially able to pay the expenses of these witnesses to come here in person to testify? A No.
- Q You are not financially able to pay for the taking their depositions as the law prescribes are you? A No.
- Q So the only means you have of furnishing evidence in support of your claim now is in the form of affidavits? A Yes.
- Q So when you are asked the question why you claim your right to identification you claim for the reason that you and your foreparents are Choctaw Indians and have come from the State of Mississippi? A I claim it for my mother had some Indian blood.
- Q Well what do you say to that? A That is the answer that I figure on that.
- Q You are not familiar with the treaties of the United States as far back as 1830, 1860 1864? A No.
- Q Did you ever read these treaties? A No.
- Q Are you a lawyer? A No.
- Q Are you in any way posted on these treaties? A No.
- Q The knowledge you have of these treaties is just simply vague-what you have heard? A Sure.
- Q Are there a good many people who have Choctaw blood in your neighborhood in Louisiana? A Yes.
- Q Do you know any of them that is acquainted with the fourteenth article or any other articles? A I don't.
- Q But it is your understanding from the evidence you will be able to furnish here that your mother lived in Mississippi in 1830? A Yes.
- Q Among the other Choctaw Indians there? A Yes.
- Q Do you know whether your grandmother spoke Choctaw Indian or not? A I don't know.
- Q But you do know that she associated with the other Indians in Mississippi? A So I have been told.
- Q Well that is the only way you knew who your mother was- what you have been told? A Grandmother you mean?
- Q Well your mother I mean. A I do.
- Q What evidence have you that Mary was your mother beside what you have been told? A Yes.

Joseph O. Flores---5

Q And that is all you know about the treaty between the United States and the Choctaw Indians made at Dancing Rabbit Creek is just what you have been told? A Yes.

Q Are you as familiar with the treaty of 1830 as you are with the fact that Mary Roble was your mother? (No answer). (By Commission)

Q You state that all you know about these facts is what you have been told? Now I want to know if you are as sure about these facts as you are that Mary Roble is your mother? A I suppose so.

Q Well, Mr. Flores, how much does it cost to serve notice, legal notice, do you know? A No, not exactly.

Q Have you any idea? A No, I don't know that I have.

Q Well, why do you think that it would be more than you are able to pay if you are not sure as to the cost? A I am not able to pay anything.

Q Not even a fee of One Dollar? A Yes a fee of one dollar possibly.

Q You understand that the best evidence that you can produce before the Commission in support of your application is the oral testimony of witnesses who can be examined here before the Commission; failing that, the next best evidence is depositions, and if you are not able to secure either the oral testimony of witnesses or their depositions, still it would be greatly to your advantage to produce your evidence in that form instead of affidavits. Should you desire to offer any further evidence whether in the form of oral testimony of witnesses their depositions or affidavits the Commission will accept the same and make them part of the record in your case.

(Examination by Arnold.)

Q Mr. Flores, what is your mother's name? A Mary Roble.

Q Wasn't it Mary Flores? A Yes; certainly it was.

Q Her married name was Mary Flores and her maiden name was Mary Roble? A Yes.

Q And your grandmother's Christian name you don't know? A No.

Q That's all.

(By the Commission).

Q Mr. Flores, did you ever know your grandmother? A No.

Q About how long ago did she die? A I can't tell.

Q You don't know about how long? A I never saw her- I suppose she has been dead about fifty years.

Q She died before you were born? A Yes.

Q And do you know about how old she was? A No.

Q Did your grandmother have any Choctaw name? A I don't know.

Q You never heard whether she did or not? A No.

Q Did your mother have any Choctaw name? A The only name I ever knew was Mary.

Q How long ago did your mother die? A Been dead about twenty five or six years.

Q About how old was she when she died? A Somewhere between fifty and sixty.

Q And she has been dead about twenty years? A Yes.

Q So she was a small child in 1830 was she? A I suppose so; that's what I have reason to suppose that she was.

Q Do you know how old she was when she moved from Mississippi to Louisiana? A My mother?

Q Yes. A No, I don't know.

Q Do you know where your grandmother died? A No.

Q You don't know whether she lived or died in Mississippi or not or whether she lived in Mississippi? A No.

(By the attorney, J.E. Arnold).

Q Mr. Flores do you know the year that your mother was born? A No.

Q Then as a matter of fact you don't know whether she was a small child in 1830 or not? A No.



Joseph O. Flores----

Q You don't know whether she was living in 1830 at all, or not? A No.

(By the Commission.)

Q Well, you are sure that she has been dead twenty years? A Yes.

Q And you are sure that she was somewhere between 50 and 60 years when she died? A I think so.

Q You are reasonably sure? A I think so; may be older.

Q Can you speak Choctaw? A No.

Q Could your mother? A I think so.

Q Could she carry on a conversation in Choctaw or did she just know a little? A I can't tell you.

Q You have heard her speak? A Oh, of course; how much I can't tell.

The applicant in this case has the features and general appearance of a white person; he does not show any marked traces of Indian blood. His eyes are dark and his hair straight and appears to have been black originally and is now gray. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. He is not very familiar with his ancestors.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of <sup>Aug.</sup> ~~July~~, 1901.

*R. H. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2636

In the matter of the application of Joseph O. Flores for the identification of himself and his five minor children as Mississippi Choctaws.

Testimony.

H. Blakeley being called and sworn as a witness in this case testified as follows on behalf of applicants:

Examination by the Commission:

Q What is your name? A H. Blakeley.

Q What is your age? A Forty eight.

Q What is your post-office address? A Wortham, Freestone County, Texas.

Q Are you an applicant here before the Commission? A This morning?

Q No, have you ever been? A Yes.

Q Are you acquainted with the applicant in this case, Mr. Flores? A Yes.

A No, not at all.

Q You have seen him? A Just this morning.

Q You heard his testimony? A No, not all of it.

Examination by J.E. Arnold).

Q Mr. Blakeley, you have been acquainted with Choctaw Indians all your life? A No; I have been coming here some I have been here four trips to this place. But I have known them all my life.

Q You have seen mixed breed Choctaw Indians? A Yes.

Q You have seen those who said they was Choctaws? A Yes.

Q You seen Joseph O. Flores here this morning? A Yes.

Q You heard his statement to the Commission? A Yes.

Q Do you believe from his physical appearance that he shows as much as an eighth Choctaw? A Well, that is, of course I will answer it just as you want it. Well, I have seen various Choctaws. Some claiming one percent and some another- some claiming one eighth some one sixteenth and from the best knowledge I have it is this- that he has about one sixteenth- that is from the persons I have seen coming here off and on; I am just taking this from what I seen. I believe he is a man containing Choctaw blood.

Q That's all.

(By the Commission).

Q Do you think you are competent to estimate the amount of Choctaw blood and say whether a man is an eighth or a sixteenth? A I am not capable of estimating just the positive facts; what I know is judging from others that I have seen; and I can't do it and think there is hardly any that can do it.

Witness excused.

J.A. Tippit being called and sworn as a witness in this case testified as follows in behalf of applicant:

Q What is your name? A J.A. Tippit.

Q What is your age? A Fifty six.

Q What is your post-office address? A Pauls Valley, Indian Territory

Q Are you acquainted with the applicant Joseph O. Flores? A Yes I am slightly acquainted with him; I met him about two weeks ago the

Testimony 2886---2

first I ever seen him. I have been with him several days.

Q

Examination by J.E. Arnold.

Q Mr. Tippit, do you believe from Joseph O. Flores physical appearance that he is a man with as much as an eighth Choctaw blood? A Well, I can't say about the eighth; from his physical appearance I would consider that he has Choctaw blood; I know of some persons right around me that claim one quarter and don't show as Indian as Mr. Flores.

Q He has all the features of an Indian? A Yes; his general physique and general make up.

By the Commission.

Q Will you mention some of the features? A Well, his skin is copper colored- I examined it under his shirt- under his clothes down here this morning; and his hair is black and straight.

Q Do you think his general physical appearance is that of an Indian? A Yes.

Q His features? A Yes, I think so.

Q How are you connected with the firm of Hudson & Arnold? A I am only Secretary.

By J.E. Arnold.

Q You are not now in the services of Hudson & Arnold? A No.

Q You have been but not now? A No sir.

Q You are now in the employ of the Indian Territory Coal and Asphalt Company are you? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony in the above case and that the above and foregoing is a full, true and transcript of his stenographic notes of said testimony on said date of July 9, 1901.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of Aug 1901.

*A. Whinebaugh*

Notary Public.



Muskegee, Indian Territory, July 27, 1901.

Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24th enclosing affidavit of Milla Prudhomme and affidavit of Tamas Dupree, to be filed in support of the application of John Brashier et al. for identification as Mississippi Choctaws.

Also, affidavits of Tamas Dupree and Milla Prudhomme offered for filing in support of the application of Joseph O. Flores et al. for identification as Mississippi Choctaws.

The same have been duly filed and made a part of the records in support of the applications above named and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Receipt is also acknowledged of the affidavits of Milla Prudhomme and Tamas Dupree offered by you for filing in support of the claim of Marie E. Roach for identification as a Mississippi Choctaw.

You are advised that it does not appear from our records that any person by the name of Marie E. Roach has ever appeared before the Commission as an applicant for identification as a

HAA #2.

Mississippi Choctaw. The affidavits of Emile Prudhomme and Tamas  
Dupree are herewith returned to you.

Yours truly,

Commissioner in charge.

AB 1-27

MC-2836

Mc-2837

Muskogee, Indian Territory, July 27, 1901.

Messrs. Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 19th, enclosing certified copy of marriage license between John Brashear and Louise DeSoto, offered in support of the application of John Brashear et al. for identification as Mississippi Choctaws.

Also, certified copy of marriage license and certificate of J. O. Flores and E. G. Elean offered in support of the application of Joseph O. Flores et al. for identification as Mississippi Choctaws.

The same have been duly filed with the records in these two cases and will receive consideration in determining the rights of these applicants for identification as Mississippi Choctaws.

Yours truly,

MC-2386  
MC-2387

Acting Chairman.

M C R 2886

Muskogee, Indian Territory, September 2, 1902.

Joseph O. Flores,  
Carmel, Louisiana.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rozelia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Rozelia Wallette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angele Laurent,	" 4893
Olevia Wallette, et al.,	" 4897
John B. Wallette, et al.,	" 4473
Louis L. Wallette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Hero Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brashier, et al.,	" 2887
Joseph O. Flores/ et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubaz, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rambin, et al.,	" 3712
Joseph L. Rambin, et al.,	" 3951
Della Rambin, et al.,	" 3931
Carrie L. Legrand, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244

J O P-2.

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Lem Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 28, 1898(30 Stats., 495), which is as follows)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Roselia Waillette, Zelia Laurent, Jonse Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wihma Laurent, Sydney Laurent, Angele Laurent, Olevia Waillette, Earnest Waillette, Edwin Waillette, Leo Waillette, Eva Waillette, John B. Waillette, Gertrude Waillette, Eugenia Waillette, John Steven Waillette, Louis L. Waillette, Lambert Waillette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Napoleon Dubaz, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rambin, Sydney Rambin, Samuel Rambin, Mattie Rambin, Pearl Rambin, Birdie Rambin, Zada Rambin, Joseph L. Rambin, Mary Z. Rambin, Della Rambin, Joseph Arnold Rambin, Carrie L. Rambin, Myrtle L. Rambin, Lawrence L. Rambin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Rambin, Joseph O. Rambin, Arthur Rambin, Lula Rambin, Joseph McQ. Rambin, Johnnie Rambin, Edmund Porier, Winnie Porier, Annie Bell Porier, Sterling

J O P-3.

✓ Perier, Blunetta Denton, Eddie Lee Denton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Angus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause, and Birdie McCause, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Sip.

*James D. Kirby.*

Acting Chairman.

Registered.

M.C.R. 2886

COPY.

Muskogee, Indian Territory, February 25, 1903.

Joseph O. Flores,  
Carmel, Louisiana.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rexelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

(S. M.)

T. M. L.

Chairman.

M C R 2886

Muskogee, Indian Territory, July 3, 1903.

J. O. Flores,  
Arnaudville, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 22, 1903, in which you ask to be furnished a copy of your testimony and that of the witness who testified in your behalf at the time you made application to this Commission for identification as a Mississippi Choctaw. In compliance with your request a copy of said testimony is herewith enclosed.

Respectfully,

Commissioner in Charge.

MCM 8



M.C.R. 2886.

COPY

Muskogee, Indian Territory, November 12, 1906.

J. O. Flores,

Arnaudville, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Waillette, et al.

Respectfully,

SIGNED *Wm Bixby*  
Commissioner.

MCR 2886

Muskogee, Indian Territory, March 2, 1907.

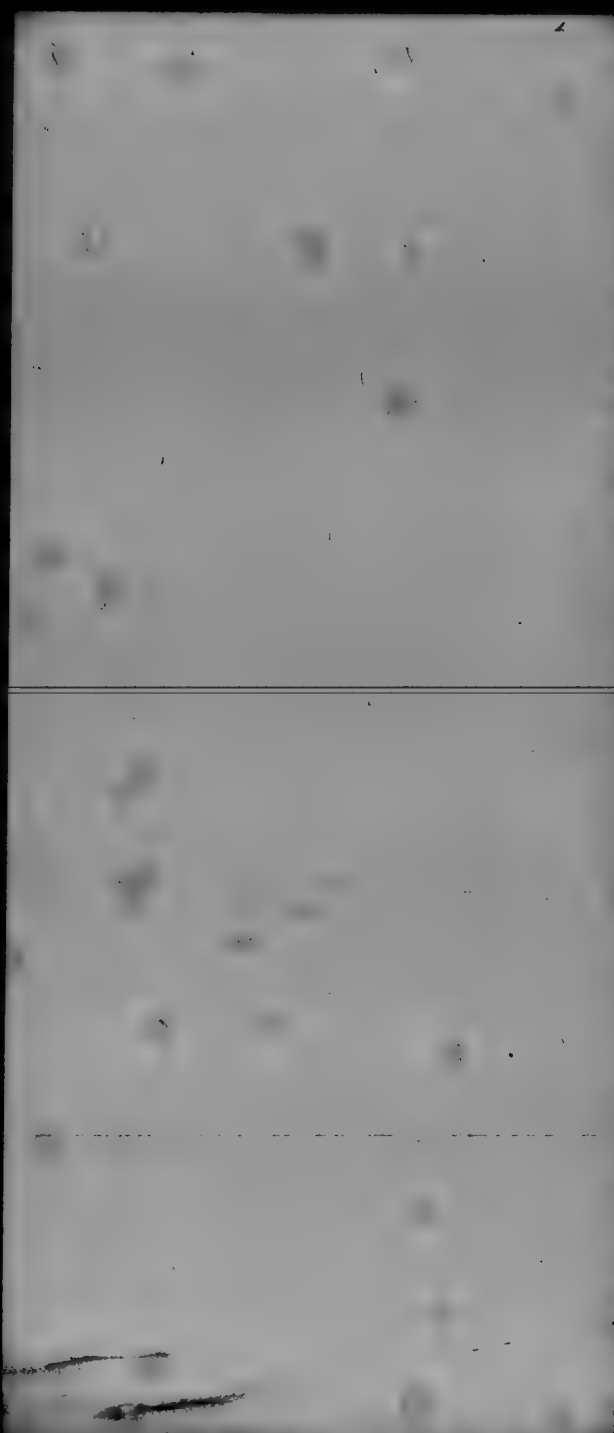
J. O. Flores,  
Arnaudville, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.



No. \_\_\_\_\_

**For Identification as a Mississippi Choctaw.**

Date JUL 9- 1901

Name Joseph O. Flores

Age 46 Blood 1/8

Post Office, Carmel, La

Father: Onofre Flores (dead)

Mother: Mary " "

Claims through mother

wife: Pallie Flores  
(no claim for her)

Children:

Sloan Flores	14
Benn "	12
Oscar "	7
Mary "	9
Clayton "	8 mo.

Claims for self and 5 children

Stenographer

Henry G. Hains

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 2886

*Joseph O. Flores et al.*  
**REFUSED**

DECISION RENDERED. SEP 2 1902

NOTICE OF DECISION MAILED APPLICANT.

*R. 2886*

SEP 2 1902

NOTICE OF DECISIONAL ACTION  
MAILED APPLICANT

SEP 25 1903

NOTICE OF DECISIONAL ACTION  
MAILED APPLICANT

FEB 25 1903

NOTICE OF DECISIONAL ACTION  
MAILED APPLICANT

*4895*

Choctaw MCR 2887

John Brashier

MCR 2887

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9/1901

2867

In the matter of the application of John Brashier for the identification of himself and his three minor children as Mississippi Choctaws. John Brashier being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Brashier.  
Q What is your age? A Twenty five.  
Q How do you spell your name? A B-r-a-s-h-i-e-r-  
Q What is your post-office address? A Carmel, Louisiana.  
Q How long have you lived there? A Always.  
Q Born there? A Yes.  
Q And have never had a residence outside of the State of Louisiana?  
A No.  
Q What is your father's name? A Flem Brashier.  
Q Is he living? A No.  
Q What is your mother's name? A Eliza Brashier.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States?  
A I don't know.  
Q Are you married? A Yes.  
Q What is your wife's name? A Louise.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q Have you any children for whom you wish to make application at this time? A Yes I have three.  
Q Give the names and ages of these children. A Jones Brashier, five years; Oscar, three years; Louis one year old.  
Q These are all your children? A Yes.  
Q What is the name of their mother? A Louise.  
Q When and where were you married to Louise Brashier? A In Louisiana.  
Q When? A '93.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Yes.  
Q Well, which one? A I was married by minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No, I have not.  
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make in behalf of your minor children.  
Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No, not as I know of.  
Q Did you make any such application? A No.  
Q Did you authorize any one to make such application for you? A No.

John Brashier---2

Q Have you any reason to think one was made? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A You say have I ever made any?

Q Yes, before this time? A No.

Q This is the first application you have ever made of any description? A Yes.

Q You now wish to make application for the identification of yourself and your children as Mississippi Choctaws? A Yes.

Q Upon what are you now basing your claims to identification as Mississippi Choctaws? A Well, on my mother's part.

Q Well, what do you mean by "on your mother's part"? A Well, she-- I don't understand it.

Q Well, I didn't understand what you said and I was just trying to get some explanation of it; what makes you think now that you have the right to be identified as Mississippi Choctaws? A Well, because my mother has Choctaw blood in her.

Q You are making your claim then, because you have always been taught that your mother had Choctaw blood? A Yes.

Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A No.

Q The authority vested in the Commission to identify these Mississippi Choctaws gives it the power to identify those who claim under the provisions of the fourteenth article of the treaty of 1830? A In 1830 the State of Mississippi was being filled up with white settlers and the United States could not any longer protect the Choctaw Indians in their tribal government and wanted to move them to some country West of the Mississippi River- in order that the State of Mississippi might be thrown open to white settlement. But the United States could not get any treaty with those Choctaw Indians there in Mississippi until some provision was made for those who didn't want to come West; so article fourteen was made a part of the treaty for the benefit of those who wanted to stay in Mississippi; article fourteen provides that "Each Choctaw head of a family being desirous to remain in Mississippi and become citizens of the States shall be permitted to do so by signifying to the agent his intention within six months after the ratification of this treaty, and thereupon he or she shall be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West would be allowed to stay there in Mississippi if they would go to the Indian Agent there within six months after the ratification of this treaty and tell him that they didn't want to come West that they wanted to stay there in Mississippi and become citizens of the United States; and the article further provided that they would not lose the privilege of Choctaw citizenship by so doing remaining, but if they ever removed they were not to be entitled to any part of the Choctaw yearly payments of money. do you make any claim under the provisions or by reason of the provisions of this article? A I don't know.



John Brashier---3

- Q Have you ever received any benefits as a Choctaw Indian? No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.
- Q You know what is meant by the word ancestor do you? A I don't know whether I do or not.
- Q Well, it means your father or mother, your grandfather or grandmother, great grandfather or mother; have any of these forefathers of yours ever received any benefits? A No.
- Q Now what was the name of that particular parent or grandparent or great-grandparent who lived in the old Choctaw nation in Mississippi and Alabama and was a acknowledged member of the Choctaw tribe in 1830 when the treaty was made between the United States and the Choctaw Indians? A I don't know.
- Q You don't know the name of that ancestor? A No.
- Q Well how are you to know that this ancestor lived in Mississippi in 1830? A I don't think he did.
- Q What was the name of your mother's father? A My mother's father was named Onofre Flores.
- Q And what was your mother's mother's name? A Mary Flores- nee Mary Roblo.
- Q Through which one of your mother's parents did she get her Choctaw blood? A My grandmother.
- Q Which one of her parents? A From her mother.
- Q Your grandmother? A My great-grandmother I reckon.
- Q Your mother's mother would not be your great grandmother. A No, my grandmother; I thought you were speaking about my mother's mother.
- Q I was speaking of your mother's mother; wouldn't that be your grandmother? A Yes I think it would.
- Q Well now through which one of your grandmother's parents did she get her Choctaw blood? A My mother.
- Q No; through which one of your grandmother's parents did she get her Choctaw blood? A I don't know.
- Q You don't know whether it was your great-grandmother or father was Choctaw Indian? A My great grandmother.
- Q Well, then your grandmother got her Choctaw blood through her mother didn't she? A I don't know.
- Q Well, if you don't know through which one of your grandmother's parents she got her Choctaw blood how do you know that it is your great-grandmother was a Choctaw Indian? A Well, grandmother got her blood through her mother.
- Q Alright; now do you know what that grandmother's mother's name was? A No.
- Q You don't know the name of your grandmother's mother? A No.
- Q Do you know what her surname was? A Roble or Roblo.
- Q But you don't know the Christian name? A No.
- Q Do you know that she lived in Mississippi in 1830? A I don't know.
- Q Have you ever been taught that she was? A I don't know whether I have or not.
- Q Well did you ever hear that she lived in Mississippi in 1830? A No.
- Q Did you ever hear that she ever lived in Mississippi or not? A No.
- Q Did you know your grandmother? A No.
- Q You never saw her? A No.
- Q Do you know whether this great-grandmother Roble moved from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe of Indians from 1833 to 1838? A No.
- Q If she did not remove, do you know whether she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that she wanted to stay there and become a citizen of the States? A No, I don't know.
- Q Do you know of any witnesses living who would be able to testify on these points? A I don't know that I do.
- Q You don't know whether there is any one living who would know personally whether she was Choctaw Indian and lived in Mississippi in 1830? A Well, I know those who know she was a Choctaw Indian.
- Q But you don't know about 1830? A No.
- Q Do you think you could get the testimony of these witnesses who

John Brashier---4

know that she was Choctaw Indian? A I don't know whether I can or not right now.

Q Well could you in the future? A I don't know.

Q I suppose you realize that it is of importance to your claim to get some evidence of this kind? A Yes.

Q And do you know of any one living who would know whether she came West with the other Indians? A No.

Q Do you know of any one living who would know whether she came to the Indian agent there in Mississippi and told him that she wanted to stay there in Mississippi and become a citizen of the United States? A I don't think I do.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not as I know of.

Q Did any of them ever own any land there which they got from the Government under this treaty? A Not as I know of.

Q Did any of them ever receive any scrip from the Government under this treaty? A Not as I know of.

Q Is there any thing more you would like to say at this time in support of this application? A No, I guess not; that's all.

(Examination by the attorney, J.E. Arnold.)

Q Mr. Brashier is that your name? A Yes.

Q Are you related to Joseph Flores who has just made application for identification as a Mississippi Choctaw? A Yes.

Q What relation are you to him? A I am his nephew.

Q Nephew? A Yes.

Q Is your mother and him brothers and sisters? A Yes.

Q Then you get your Indian blood through the same common ancestor? A Yes.

Q You have always been taught that you are a sixteenth Choctaw Indian? A Yes.

Q If the treaty of 1830, fourteenth article between the United States and the Choctaw Indians in the State of Mississippi protects the rights of Mississippi Choctaws then you base your claim on that article do you not? A Yes.

Q Or if there is any other treaties between the United States and the Choctaw Indians that protects the rights of Mississippi Choctaws, then you base your claim on them? A Yes.

Q Have you ever read any of the treaties between the United States and the Choctaw Indians in 1830 or 1820 up to the present day? A No.

Q Have no knowledge of any treaties? A No.

Q Have no knowledge of any case or law or treaties between the United States and the Choctaw Indians? A No.

Q If there is any treaties or article of treaties between the United States Government and the Choctaw Indians that protects the rights of Choctaw Indians Mississippi Choctaws then you claim under that article do you? A Yes.

Q Are you financially able at this time to bring your witnesses personally before the Commission? A No.

Q That's all.

(By the Commission.)

Q If you don't know of any laws or treaties existing at this time what makes you think you have a right to come here and make application for identification as a Mississippi Choctaw? A Cause I have been told so.

Q Who has told you? A My mother.

Q Has your mother told you that you had a right? A Yes.

Q When did she tell you? A Some time ago.

Q About how long ago were you first told that you had a right? A About a year ago.

Q What made your mother think that you had a right? A I don't know.

Q Have you any documentary evidence, copies of records affidavits or papers of any kind that you want to file now? A I have an affidavit here.

Q Where is it; here? A No.

John Brashier---5

Q Should you desire to offer any further evidence in support of your application either the oral evidence of witnesses, their depositions or affidavits the Commission will accept the same and make them a part of the record in your case; you understand that if you can get the oral testimony that is the best, but, failing that, affidavits, if you cannot get the depositions or oral testimony.

(Examination by J.E. Arnold).

Q Mr. Brashier it has been your understanding that the parties who contained Choctaw blood and that their ancestors lived in Mississippi say 1830 to 1840 could make an application to the Commission as Mississippi Choctaws, hasn't that been your understanding? A Yes.  
Q And you have always been taught that you have one sixteenth Choctaw by your mother and foreparents? A Yes.  
Q And that they originated from the State of Mississippi? A Yes.  
Q And that is why at this time you make application for identification as a Mississippi Choctaw? A Yes.  
Q That's all.

(By the Commission).

Q From whom did you get this understanding that all applicants who claimed Choctaw blood could come here and make an application for identification as a Mississippi Choctaw? You made that statement; now how did you get that? A Well, I got it from my mother.  
Q Can you speak Choctaw? A No.  
Q Could your mother? A No.

The applicant in this case has bluish gray eyes, light hair and mustache; he has the general features and characteristics of a white person and shows no marked Indian characteristics. Applicant appears to be a man of blonde complexion. He cannot speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830; and knows nothing personally of his ancestors except his father and mother and knows very little of his ancestors farther back from family history.

Joseph O. Flores being called and sworn as a witness in this case testified as follows on behalf of applicant:

Q What is your name? A Joseph O. Flores.  
Q What is your age? A Forty six years old.  
Q What is your post-office address? A Carmel, Louisiana.  
Q Are you acquainted with the applicant, John Brashier? A Yes.  
Q What relation are you to him, if any? A He is a nephew.  
Q What was his mother's name? A She was a Flores and married a Roach.  
Q What was her first name? A Mary Eliza.  
Q Was her name Roblo? A No; she was a Roach.  
Q Her name was Eliza Flores before she was married? A Yes.  
Q What was his father's name? A Flem Brashier.  
Q Through which one of his parents does he get his Choctaw blood? A His mother.  
Q And which one of his parents was related to you? A His mother.  
Q Was his mother your sister? A Yes.  
Q And he gets his Choctaw blood through the same common ancestor that you do? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission as to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and

John Brashier—

that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Harry G. Hains

Subscribed and sworn to before me this 5 day of Aug, 1901.

A. Whinebaugh

Notary Public.

Muskogee, Indian Territory, July 27, 1901.

Messrs. Hudson & Arnold,  
Attorneys at Law,  
Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 19th, enclosing certified copy of marriage license between John Brashear and Louise DeSoto, offered in support of the application of John Brashear et al. for identification as Mississippi Choctaws.

Also, certified copy of marriage license and certificate of J. O. Flores and S. G. Elean offered in support of the application of Joseph O. Flores et al. for identification as Mississippi Choctaws.

The same have been duly filed with the records in these two cases and will receive consideration in determining the rights of these applicants for identification as Mississippi Choctaws.

Yours truly,

MC-2886  
MC-2887

Acting Chairman.

Muskogee, Indian Territory, July 27, 1901.

Hudson & Arnold,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 24th enclosing affidavit of Emile Prudhomme and affidavit of Tamas Dupree, to be filed in support of the application of John Brashier et al. for identification as Mississippi Choctaws.

Also, affidavits of Tamas Dupree and Emile Prudhomme offered for filing in support of the application of Joseph O. Flores et al. for identification as Mississippi Choctaws.

The same have been duly filed and made a part of the records in support of the applications above named and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Receipt is also acknowledged of the affidavits of Emile Prudhomme and Tamas Dupree offered by you for filing in support of the claim of Marie E. Roach for identification as a Mississippi Choctaw.

You are advised that it does not appear from our records that any person by the name of Marie E. Roach has ever appeared before the Commission as an applicant for identification as a

MSA #2.

Mississippi Choctaw. The affidavits of Mille Prichard and James  
Dupree are <sup>therefor</sup> herewith returned to you.

Yours truly,

Commissioner in charge.

AB 1-27

MS-2835  
Mo-2839



POOR ORIGINAL -  
BEST AVAILABLE COPY

M C R 2887

Muskogee, Indian Territory, September 2, 1902.

John Brashier,

Carmel/ Louisiana,

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rozelia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Rozelia Wallette,	M C R 4895
Zelia Laurent, et al.,	" 4896
Angela Laurent,	" 4898
Olevia Wallette, et al.,	" 4897
John B. Wallette, et al.,	" 4478
Louis L. Wallette, et al.,	" 4529
Joe Clanton, et al.,	" 3161
Nero Flores, et al.,	" 3467
Mary E. Roach, et al.,	" 3098
John Brashier, et al.,	" 2867
Joseph O. Flores, et al.,	" 2866
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubaz, et al.,	" 3103
Minnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rambin, et al.,	" 3712
Joseph L. Rambin, et al.,	" 3951
Della Rambin, et al.,	" 3931
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244



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J B-2.

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Lam Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 8, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rozelia Waillette, Zelia Laurent, Jonce Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olivia Waillette, Earnest Waillette, Edwin Waillette, Leo Waillette, Eva Waillette, John B. Waillette, Gertrude Waillette, Eugenia Waillette, John Steven Waillette, Louis L. Waillette, Lambert Waillette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Sloan Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Napoleon Dubaz, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rambin, Sydney Rambin, Samuel Rambin, Mattie Rambin, Pearl Rambin, Birdie Rambin, Zada Rambin, Joseph L. Rambin, Mary Z. Rambin, Della Rambin, Joseph Arnold Rambin, Carrie L. Rambin, Myrtle L. Rambin, Lawrence L. Rambin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph E. Legrand, George W. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Rambin, Joseph O. Rambin, Arthur Rambin, Lula Rambin, Joseph McQ. Rambin, Johnnie

POOR ORIGINAL -  
BEST AVAILABLE COPY

J B-2.

Rustin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling Perier, Blumetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie W. Flores, Phillip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause and Birdie McCause, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

10/10/10

*Tamm Dixby.*

Acting Chairman.

Registered.

M.C.R. 2887

Maskogee, Indian Territory, February 25, 1903.

John Brashier,

Carmel, Louisiana.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Roxelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

Chairman.

H.C.R. 2887.

COPY

Muskogee, Indian Territory, November 12, 1906.

John Brashier,

Carmel, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Walette, et al.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

MCR-2887

Muskogee, Indian Territory, March 2, 1907.

John Brashier,  
Carmel, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.

No. 2887

For Identification as a Mississippi Choctaw.

Date JUL 1901

Name John Brashier

Age 25 Blood 1/16

Post Office, Carmel, La

Father: Clem Brashier

Mother: Eliza

Claims through mother

wife Louise Brashier  
(no claim for her)

Children:

Jones Brashier	5
Oscar	3
Louis	1

Claims for self and  
three minor children

Stenographer

Henry G. Harter

MISSISSIPPI CHOCTAW. R. 288

John Grashier et al  
REFUSED

DECISION RENDERED. SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

FORWARD ATTORNEY FOR APPLICANT.

SEP 2 1902

CHOCTAW NATIONS.

REFER TO C. R. 4895

Choctaw MCR 2888

Olive Smith

MCR 2888



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2888

In the matter of the application of Olive Smith for the identification of herself and her minor child as Mississippi Choctaws.  
Olive Smith being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Olive Smith.  
Q What is your age? A Twenty two.  
Q What is your post-office address? A Burke, Texas.  
Q How long have you lived there? A Born and raised there.  
Q Never had a residence outside of the State of Texas? A No.  
Q What is your father's name? A Tom DuBose.  
Q D-u- B-o-s-e? A Yes.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah Jane Blakeley.  
Q Isn't her name DuBose? A Yes now it is.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Sidney Smith.  
Q Sidney? A Yes.  
Q Is he living? A Yes.  
Q Do you make application on behalf of your husband? A Yes No.  
Q He is a white man and makes no claim to Indian blood? A No.  
Q Have you any children in your family for whom you wish to make application at this time? A Yes.  
Q How many? A One.  
Q Give the name and age of that child. A Carrie Smith.  
Q How do you spell that? A C-a-r-l-i-e.  
Q How old is he? A Four years old.  
Q You are the mother? A Yes.  
Q What is the name of the father of this child? A Sidney Smith.  
Q When and where were you married to Sidney Smith? A Angeline Co., Texas.  
Q When? A In 1897.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A no.  
Q Have you ever made application for yourself or your child prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application that you have ever made of any description? A Yes.  
Q Do you now wish to make application for identification as a Missis-

Mississippi Choctaw? A Yes.

Q How do you claim the right now to be identified as a Mississippi Choctaw? A Well, I claim it through my mother.

Q What do you claim through your mother? A One sixteenth.

Q You make your claim now then because you have always been taught that your mother had Choctaw blood? A Yes.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q Under what treaties? A Under 1830 the fourteenth treaty.

Q What do you mean by that? A I don't know.

Q What do you mean by 1830; do you mean the year? A Yes.

Q The provision of law vesting the Commission with authority to identify Mississippi Choctaws gives it the right to identify those Indians who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians there in Mississippi for the purpose of removing them from the State of Mississippi to lands West of the Mississippi River, and found that no treaty could be made until some provision was made for those Indians who didn't want to come West; therefore the fourteenth article of the treaty was put in for the benefit of those Indians who wanted to stay in Mississippi. Article fourteenth of the treaty of 1830 provides that if an Indian head of a family should desire to remain and become a citizen of the United States, he or she shall, by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled

to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay there in Mississippi and get land there by going to the Indian agent within six months after that treaty was ratified and telling him that they didn't want to come West that they wanted to stay in Mississippi and become citizens of the United States; and by doing this they were not to lose the rights of Choctaw citizenship, but if they ever removed they were not to be entitled to any part of the Choctaw yearly payments of money.

Q Now is this the article under which you claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.

Q Do you know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor or ancestors who were living in the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty was made between the United States and the Choctaw tribe? A Russel Blakeley, my grandfather.

Q Is that your mother's father? A Yes.

Q Did you ever know your grandfather? A No I never did see him.

Q Did he live in Mississippi in 1830? A Yes, I think so.

Q Was he a Choctaw Indian? A Yes.

Q A recognized Choctaw Indian? A Yes.

Q Have you any evidence of the fact that he was a Choctaw Indian and lived in Mississippi in 1830? A Yes, can prove it.

Q What kind of evidence have you? A I can prove it by my uncle.

Q Did he know your grandfather personally? A Yes.

Q What is this uncle's name? A Hiram Blakeley.

Olive Smith---3

Q He is here now? A Yes.

Q You will be allowed to offer his testimony in support of your application. How long has your grandfather been dead? A I don't know.

Q You don't know then how long your grandfather has been dead? A No.

Q Do you know how old he was when he died? A No.

Q Do you know whether your grandfather moved from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian territory at the time of the removal of the other Indians from 1833 to 1838? A No.

Q Is there any one living who would know that? A Yes, I reckon my uncle would.

Q Well, is your uncle an old enough man to have known your grandfather personally and know whether he removed from Mississippi to Indian territory in 1830 or thereabouts? A I can't tell.

Q If your grandfather, Russel Blakeley, did not remove with the other Indians, did he within six months after the ratification of this treaty go to the Indian agent there in Mississippi and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No, I don't think he did.

Q Have you any evidence on that point? A No.

Q Do you know if there is any one living who would be able to testify from personal knowledge anything about that? A Mrs. Adams might.

Q You think she knows personally about that? A Yes, I think so.

Q Do you know what is meant by "personally"? A I guess it means that they themselves seen them.

Q Yes, and were with them at the time and know positively of their own personal knowledge that these things were done; do you think she knows

A She may know that.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Did any of them ever own any land there from the Government under that treaty? A No.

Q Did they ever get any script from the government under this treaty? A No.

Q Is there anything more you would like to state at this time in support of your claim? A No.

H. Blakeley being called and sworn as a witness in this case testified as follows on behalf of applicant:

Q What is your name? A H. Blakeley.

Q What does that H. stand for? A Hiram.

Q What is your age? A Forty eight.

Q What is your post-office address? A Wortham, Freestone County, Texas

Q Are you acquainted with the applicant, Olive Smith? A Yes.

Q How long have you known her? A You might say all her life.

Q What relation is she to you if any? A She is my sisters' daughter.

Q What is her mother's name? A Sarah Jane DuBose.

Q What is her father's name? A Russel Blakeley.

Q What is this applicant's father's name? A Tom DuBose.

Q Through which one of her parents did she get her Choctaw blood?

A From her mother.

Q Were you related to her father or mother- the father or mother of this applicant; why she was a sister of mine.

Q Were you related to the father or the mother? A To the mother.

Q What relation is Olive Smith's mother to you? A Sister.

Q And she gets her Choctaw blood then through the same common ancestor that you do? A Yes.

Q What is that ancestor's name? A Do you want me to go way back? Well she claims under her grandfather, Russel Blakeley.

Q Was Russel Blakeley living in the old Choctaw nation in 1830? A Why yes he was there then in Mississippi in Newton County.

Olive Smith--4

- Q How long has Russel Blakeley been dead? A Twenty three years.
- Q Russell Blakeley was your father? A Yes.
- Q How old was he when he died? A I think he was somewhere about 65 or 66 somewhere in the sixties.
- Q Was he a head of a family in Mississippi in 1830? A Yes.
- Q Is there any evidence of that fact? A I think yes; I can tell you whether he was or not; I can say what time he married there in Mississippi- no I can't say to his marriage or what time he did marry.
- Q The question I asked you was if he was a head of a family in 1830 in Mississippi? A Well, I can't say.
- Q What was his father's name? A John Blakeley.
- Q What was his mother's name? A Elizabeth Blakeley.
- Q From which one of his parents did he get his Choctaw blood? A Elizabeth Blakeley, his mother.
- Q Was Elizabeth Blakeley living in Mississippi, in 1830? A Yes, I am satisfied as to that.
- Q Is there any one living who could testify personally as to that? A That she did live there?
- Q Yes. A Yes.
- Q Could you get that testimony? A Yes.
- Q Could you bring them before the Commission? A I don't know for they are very old and live in East Texas.
- Q Could you get their depositions? A Yes that could be gotten very easily.
- Q What relation would this Elizabeth Smith be to the applicant, Olive Smith? A Well she would be her great grand-daughter you know
- Q Have you any evidence that Elizabeth Blakeley was a recognized member of the Choctaw tribe of Indians at that time? A I have evidence to state that she was recognized as one half at that time; I can prove it I have it right here;--I haven't it right here, but it can be got that she was a half at that time.
- Q Could you get those witnesses before the Commission? A No.; they are not here we would have to get their deposition and send it in.
- Q Do you know whether Elizabeth Blakeley or Russel Blakeley removed from State of Mississippi to the Choctaw nation in Indian Territory when the other Indians came? A No Elizabeth Blakeley never came; she died there.
- Q Do you know that? A No, I will tell you why; she died after my father moved to Texas; he came from Mississippi to Texas; I was young and never heard that.
- Q Did you know Elizabeth Blakeley in person? A No, this is what I learned by my parents; it is history of my parents.
- Q When did Russel Blakeley leave Mississippi? A The year the war broke out.
- Q He didn't come then in 1833 to 1838 when the other Indians came? A No.
- Q Did he ever come to the Territory? A No.
- Q And Elizabeth Blakeley died in Mississippi you say? A Yes.
- Q Is there anything further you know? A Nothing else at present; Mrs. Adams there can testify more.
- (To applicant): Do you want anything more brought out by this witness
- A No.

Witness excused.

Sarah V. Adams being called and sworn as a witness in this case testified as follows on behalf of applicant:

- Q What is your name? A Sarah V. Adams.
- Q What is your age? A Fifty two.
- Q What is your post-office address? A Colorado City, Texas.
- Q Are you acquainted with the applicant in this case? A Only since I have been here.
- Q Do you know her mother's name? A Yes.

Q What is it? A Sarah Jane.  
 Q What? A She married DuBose.  
 Q And what was her father's name? A Russel Blakeley.  
 Q I mean what was the applicant's father's name? A Tom DuBose.  
 Q Were you acquainted with her parents? A With her mother not with her father. I am her second cousin.  
 Q You said that you knew her mother personally? A Yes.  
 Q What relation were you to her mother? A Cousin.  
 Q Through which one of Olive Smith's mother's parents does she get her Choctaw blood? A Her father.  
 Q And through which one of your parents do you get your Choctaw blood? A My mother.  
 Q Were your mother and Sarah Jane DuBose's father related? A Yes, brother and sister.  
 Q And so Olive Smith gets her Choctaw blood through the same common ancestor that you do? A Yes.  
 Q What was that ancestor's name? A That great-grandmother of mine; its Elizabeth Blakeley.  
 Q Do you know whether she was a Choctaw Indian and lived in Mississippi in 1830? A Only from family history; they settled there in an early day and she lived and died there.  
 Q Do you know whether she was a recognized member of the Choctaw tribe of Indians there in Mississippi in 1830? A I can't say; I heard that she was recognized as a half Choctaw.  
 Q Do you know whether she went to the Indian agent there within six months after the treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States?  
 A I can't tell.  
 Q Do you know of any one who does know of these things? A No.  
 To applicant: Is there anything further that you want brought out by this witness? A No.

Witness excused.

Q Have you any documentary evidence that you want to file at this time, affidavits or papers of any kind? A No.  
 Q Should you desire to offer any further evidence in support of your claim either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in your case. Can you speak Choctaw? A No.

The applicant, in this case has light brown hair, blue eyes grayish, and fair complexion. She has the features and general appearance of a white person and shows no traces of Indian blood. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She does not personally know any of her ancestors further back than her father and mother and knows very little of her ancestors further back than her father and mother by family history.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of Aug. 1901.

*A. H. Linbaugh*  
 Notary Public



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2897.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10th, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2887.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

#2

In the matter of the application of Arcada DuBoise et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2835.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2835.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of William Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph E. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

#3

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in the Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DuBose, Oral Boyd, William B. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.



#4

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? (By Attorney; was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the Treaty was made between the United States and the Choctaw Indians called the Treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

Q By the Commission.

- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

#5

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by ~~the~~ Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you give me the names of the other children of theirs? -- What was their names, please? A Their names or mines?
- Q No Their -- Give me the names of your brothers and sisters? A John Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, ~~Albany~~ Albany Blakley, Temple Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington H. J.
- Q What does that H. stand for A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go to from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well, I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

#6

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one.
- Q All of these people are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was her given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at that time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

#7

Q Do you know whether Elizabeth Plakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Plakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Plakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A She was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Plakley? A Yes.
- Q You knew the whole family, ever since you went to Mississippi and ever branch ~~that~~ of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, October 4, 1901.

Messrs. Strasburger & Demmann,  
Rooms 109-110 Columbian Building,  
Washington, D. C.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 16, 1901, in which you state that you have a communication relative to the claims of T. J. DuBose, Arcada DuBose and Olive Smith, and ask to be advised when the same are transmitted to the Indian Bureau at Washington, D. C.

In reply to your letter you are advised that it appears from our records that on July 8, 1901, Arcada DuBose appeared before the Commission at Atoka, Indian Territory, and applied for the identification of herself and her three minor brothers as Mississippi Choctaws.

It also appears that on July 9, 1901, Olive Smith appeared before the Commission at Atoka, Indian Territory, and applied for the identification of herself and her minor child as Mississippi Choctaws.

No action has yet been taken in regard to these applications. When a decision is rendered a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be

S.A.D.#2.

mailed to the applicants at their present Post Office addresses.

It is respectfully suggested that you place yourselves in communication with such applicants or their attorneys, in order that they may in turn advise you of the rejection or other disposal of their applications.

It does not appear from our records that any person by the name of T. J. DuBose has ever applied for identification as a Mississippi Choctaw.

Yours truly,

M.C. 2858

M.C. 2888.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2888

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Olive Smith,

Burke, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158



William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Culame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Chairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou



Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Bentrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2888.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Olive Smith,  
Burke, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*I. B. Neccles.*  
Commissioner in Charge.

MCR 2888

Muskogee, Indian Territory, December 6, 1906.

Olive Smith,

Burke, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this Office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name Olive Smith

Age 22 Blood 1/16

Post Office, Burke Texas

Father: Tom Du Bose

Mother: Sarah Jane DuBose (deceased)

Claims through mother

husband: Sidney Smith  
(no claim for him)

Children:

Carlie Smith

Claims for self and  
one child

Stenographer

Henry G. Harris

Olive Smith et al  
R 2888

DECISION RENDERED JAN 23 1903

REPEATED 1907

Choctaw MCR 2889

William Cary DuBose

MCR 2889

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2889

In the matter of the application of Thomas J. DuBose for the identification of his four minor children as Mississippi Choctaws. Thomas J. DuBose being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas J. DuBose.  
Q What is your age? A Forty eight.  
Q What is your post-office address? A Burke, Angeline County, Texas.  
Q You desire to make application for your four minor children? A Yes.  
Q Do you claim any choctaw blood yourself? A No.  
Q The children claim their Choctaw blood through their mother? A Yes.  
Q Is their mother living? A No.  
Q What is the name of their mother? A Before she was married?  
Q No when she was the mother of these children? A Sarah Jane DuBose.  
Q Are you the father of the children? A Yes.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No I haven't them with me.  
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for these children. A I have got a witness to that.  
Q Well can't you get the Court record? A I can't get them right now.  
A You will be allowed to file them later. Give the names and ages of these children? A William Gary DuBose--12; Hattie V. DuBose--10; Robert Chester DuBose--6; --  
Q Has application ever been made for these children before? A No.  
Q Next? A C. B. DuBose--just C. B. that's all it stands for; we just named him C. B.  
Q How old is he? A He is six years old.  
Q How much Choctaw blood do you claim for these children? A One sixteenth.  
Q You say the children claim through their mother? A Yes.  
Q Has their mother through whom they claim their right to identification as Mississippi Choctaws ever been recognized in any manner or enrolled as member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Have you or their mother ever made application to the Choctaw tribal authorities in Indian Territory for them to be enrolled as members of that tribe? A No.  
Q Did you or any one else for these children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 19, 1896 for these children? A No.  
Q Have they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the the Commission to the Five Civilized Tribes or by judgment of United States Court in Indian Territory? A No.  
Q Has application ever been made for these children prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application of any description that has ever been made for them? A Yes.  
Q Is it now your purpose to make application for the identification

Q Is it now your purpose to make application for the identification of these children as Mississippi Choctaws? A Yes.

Q How do you claim for them the right to identification as Mississippi Choctaws? A Through their mother.

Q Do you mean that you claim the right to have your children identified as Mississippi Choctaws because their mother claimed to have Choctaw blood? A Yes.

Q Do you base your claim for the children on any of the treaty stipulation between the United States and the Choctaw Nation? A Yes.

Q On what treaty or treaties do you base that claim? A The treaty of 1830.

Q Under any particular part of that treaty or the whole treaty? A The whole treaty.

Q The Commission has been vested by law with authority to determine the identity of those Mississippi Choctaws who claim the right to identification under the fourteenth article of the treaty of 1830.

Q In 1830 the United States wanted to make a treaty with the Choctaw Indians for the purpose of removing them from that State to lands West of the Mississippi River so that the State of Mississippi could be thrown open to white settlement, and also for the fact that it was growing impossible to protect the Indians in their tribal government in that State. But it was impossible to get any treaty with them until some provision was made for those Indians who wanted to stay in Mississippi; so article fourteen was made a part of the treaty for the benefit of those Indians who didn't want to come West; article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could remain in the State of Mississippi by going to the Indian agent there within six months after the treaty was ratified and telling him that they didn't want to come West that they wanted to stay in Mississippi and take land there and become citizens of the United States. If they did then a reservation of land was made them in the State of Mississippi. The article also provides that if they did this they were not to lose the privilege of Choctaw citizenship but if they ever removed were not to be entitled to any portion of the Choctaw yearly payments of money. Is this the article under which you base your claim for the children at this time? A Yes.

Q Have these children ever received any benefits as Choctaw Indians? A No.

Q Have any of their ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q You know what is meant by the word ancestor? A Yes.

Q What was the name of the ancestor or ancestors of these children who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe in 1830 when this treaty was made between the United States and the Choctaw Indians? A I think Elizabeth Smith was the grandmother, and she married a Blakeley.



Thomas J. DuBose---3

- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I can't tell you.
- Q Have you any evidence of that fact? A Not with me.
- Q Can you secure any? A I think I can.
- Q Are there any witnesses living who knew whether Elizabeth Smith was a recognized member of the Choctaw tribe of Indians at that time? A I don't know now; I know some witnesses in Eastern Texas who are about 75 or 80 years old and acquainted with her; I could get their testimony.
- Q Could you bring them before the Commission? A No.
- Q Why? A They are not able to stand the trip; too old.
- Q Could you get their depositions? A Yes I think so.
- Q Have you any evidence of the fact that Elizabeth Smith lived in Mississippi in 1830? A I think I can get it.
- Q From these same witnesses? A Yes.
- Q Do you know whether this Elizabeth Smith through whom your children claim removed from the territory occupied by the old Choctaw nation in Mississippi and Alabama to the present Indian territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A I don't think she did; I don't think she moved from Mississippi.
- Q If she did not remove do you know whether she went to the Indian agent there within six months after the ratification of the treaty of 1830 and told him she wanted to stay in Mississippi and become a citizen of the States? A I don't know.
- Q Could you secure any evidence on that point? A Well, I may I would not be positive of it.
- Q Did any of the ancestors of these children ever receive or claim any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Did any of them ever own any land there which they received from the Government under the treaty of 1830? A I don't know.
- Q Did any of them ever get any scrip from the Government under this treaty? A I don't think they did.
- Q Is there anything else you want to say in support of this application? A I don't know that there is. Only I want time to get up these papers and mail them back.
- Q Should you desire to offer any further evidence in support of this application either the oral testimony of witnesses, their depositions or affidavits you will be permitted to do so by ~~signifying~~ and the Commission will make them a part of the record in this case. Could the mother of these children talk Choctaw? A No.
- Q Do they talk Choctaw? A No.

The applicant in this case is a white man; the children for whom he makes application are not present before the Commission at this time.

- Q These children live with you do they? A Yes.
- Q Do you support them? A Yes.
- Q Has any legal guardian been appointed for them by the Court? A No.
- Q You are their natural guardian? A Yes.
- Q How long has their mother been dead? A A little over three years; three and a half years.
- Q Did these children ever live in the State of Mississippi? A No.
- Q Their residence has always been in Texas? A Yes.
- Q Did their mother ever live in Mississippi? A I don't know whether she did or not.
- Q How long ago were you married to her? A In 1878.
- Q Since that time her residence has always been the same as yours till she died? A Yes.
- Q And that is in the State of Texas? A Yes.
- Q But you don't know whether she lived in Mississippi or not? A I

Thomas J. DuBose---4

don't think she did; I think she was born in Texas.

Q Did Mrs. Adams here know your wife personally? A Yes.

Tempie McAllister being called and sworn as a witness in this case testified as follows on behalf of applicants:

Q What is your name? A Tempie McAllister.

Q What is your age? A Forty nine.

Q What is your post-office address? A Waco, Texas.

Q You are acquainted with the applicant, Thomas J. DuBose who applied for the identification of his four minor children? A Yes.

Q What relation are you to him, if any? A His wife was my cousin.

Q His wife is dead? A Yes.

Q What was her name? A Sarah Jane DuBose.

Q You are acquainted with her personally? A Yes.

Q Through which one of her parents did she derive her Choctaw blood?

A Through her father.

Q What relation was he to you? A My uncle- my mother's brother.

Q Through which one of your parents do you derive your Choctaw blood?

A My mother.

Q And your mother and Sarah Jane DuBose's father are brother and sister?

A Yes.

Q And these children of Sarah Jane DuBose get their Choctaw blood

through the same common ancestor that you do? A Yes.

Q And what is that ancestor's name? A Their grandmother; her name was Elizabeth Blakeley- her maiden name was Smith.

Q Did you know her personally? A No; but I have a very fair recollection of her.

Q You don't know then whether she applied to the Indian Agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that she wanted to stay there in Mississippi and become a citizen of the United States? A No.

Q Do you know whether she removed from the State of Mississippi to the Indian Territory when the other Indians came? A I only know from hearsay; but I have always heard that she lived and died in Mississippi.

Q What was the name of Sarah Jane DuBose's mother? A Her name was Arcade Blakeley.

Q What was the name of her father? A Russel Blakeley.

Q Did she get her Choctaw blood through her father? A Yes.

Q Did Sarah Jane DuBose ever live in Mississippi? A She was a small child when she left Mississippi; I don't remember her age exactly.

To applicant: Do you want to bring out anything more through this witness? A I don't know that I do.

Witness excused.

Sarah Adams being called and sworn as a witness in this case testified as follows on behalf of applicant:

Q What is your name? A Sarah Adams.

Q What is your age? A Fifty two.

Q What is your post-office address? A Colorado City, Texas.

Q Are you acquainted with the applicant Thomas J. DuBose who makes application for his four minor children? A Yes; only slightly.

Q Do you know the children for whom he makes application? A No, never saw them.

Q Do you know the mother of the children? A Yes.

Q What relation was she to you? A Cousin.

Q Through which one of her parents did she get her Choctaw blood?

A Through her father.

Q What relation was her father to you? A Uncle.

Q Was he your mother's brother? A Yes.

Q Through which one of your parents do you derive your Choctaw blood?

A My mother.

Q Your mother and Sarah Jane DuBose's father were brother and sister?

A Yes.

Q And her children get their blood through the same common ancestor

Thomas J. DuBose---5.

that you do? A Yes.

Q What was the name? A Elizabeth Blakeley.

Q Did you know her personally? A Well, I was small, I remember her- I remember how she looked.

Q Do you know whether she went to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A I never heard it if she did.

Q Do you know whether she came West with the other Choctaw Indians from 1833 to 1838? A I am satisfied not.

Q You knew her in Mississippi? A Yes.

Q About what time did you know her in Mississippi? A Well, it is along in the fifties- I don't remember-something in 55 or 56.

Q She died in Mississippi? A Yes.

Q What was the name of Sarah Jane DuBose's father? A Russel Blakeley.

Q And she got her Choctaw blood through her father? A Yes.

Q And Russel Blakeley was a son of Elizabeth Blakeley? A Yes.

Q And Sarah Jane DuBose was a daughter of Russel Blakeley? A Yes.

Q And Sarah Jane DuBose was the mother of these children for whom Thomas J. DuBose makes application? A Yes.

Q Did Sarah Jane DuBose ever live in Mississippi? A Yes.

Q About how long did she live there? A Well, I don't remember, I was - I don't remember- she was a little girl when they left there. I don't know her age.

Q Is there any evidence that Elizabeth Smith was a Choctaw Indian?

A It could be established I think.

Q Do you know personally that she was? A No.

Q Do you know personally that she lived in Mississippi in 1830?

A No I don't know personally; I do from family history.

To applicant: Are there anything or other points that you would like to bring out by these witnesses? A I don't know that there is.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 5 day of Aug 1901.

R. W. Linebaugh  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2902

In the matter of the application of Thomas B. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859.

In the matter of the application of Arcada DuRose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858

In the matter of the application of William Cary DuRose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2889

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2859.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

#### Examination by the Commission:

- Q Ask him what his name is, Mr. Homer? A He says: "Have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.
- Q Ask him how old he is? A Eighty seven.
- Q What is his post-office address? A Boggy Depot.
- Q Indian Territory? A Yes.
- Q Ask him if he knows Sarah H. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.
- Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.
- Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.
- Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they didn't live old enough, he don't know them.
- Q Ask him if he knows Arcade DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these elder people but these younger people I don't know anything about."
- Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.
- Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws? A No, he don't know.
- Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes I am full blood Choctaw" he says.
- Q Ask him if his name is on the tribal rolls of the Choctaw nation? A "yes; he went to different rolls; wherever these rolls are his name is there too.
- Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw nation it has been about 60 years at one place.



- Q Ask him where he lived before he came here to the Choctaw Nation?  
 A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town- he don't know what the name would be but he gave it Hak-e-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.
- Q Ask him where he was born? A In Mississippi in the old Nation.
- Q In what part of Mississippi? A About the far corner of the State of Mississippi.
- Q Did he say what County? A He says there was no County then; he says the line was around the way, running the way, and the Chickasaw Nation was right joining it.
- Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830; he was about sixteen years old then.
- Q Ask him if he know about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.
- Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long, but he came with the second emigration; its about two years after the first emigration; that must be about 1833.
- Q Ask him if he know the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.
- Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Blakeley afterwards?  
 A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.
- Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?  
 A Her mother was Choctaw.
- Q Full blood? A Yes.
- Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.
- Q Ask him if Elizabeth herself had a Choctaw name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English names they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."
- Q Ask him how he happens to remember Elizabeth Smith or how long she lived near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetgum Grove or Fork.
- Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.
- Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know, he says.
- Q Ask him if she came West with the other Indians? A Says "Didn't come West."
- Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.  
 Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.  
 Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.  
 Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.  
 Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.  
 Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.  
 Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.  
 Q Ask him if he knows the names of any of her children? A He don't know the names.  
 Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.  
 Q And did she still stay in Mississippi after he left there? A Yes.  
 Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.  
 Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? A He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.  
 Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.  
 (To applicant):  
 Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.  
 Q Ask him if he remembers the name of Elizabeth Smith's husband now? A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.  
 Q Ask him if he didn't say a while ago that it was Flakeley? A He says he has forgot it.  
 Q Well, ask him if he remembers that Flakeley is right? A Yes that's the name; he remembers now that that is the name.  
 (To applicant):  
 Q Is there anything more you can think of that has not been brought out? A I think not.  
 Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.  
 (Witness excused).

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Haine*

Subscribed and sworn to before me this 12 day of August, 1901.

*A. W. H. Bough*  
 Notary Public.

Muskogee, Indian Territory, August 19, 1901.

Mr. Thomas J. DuBose,  
Burke, Texas.

Dear Sir:-

Receipt is hereby acknowledged of two affidavits of Ira  
W. Walker, offered for filing in support of your application for the  
identification of your minor children as Mississippi Choctaws.

The same have been filed and made a part of the record in  
this case.

Yours truly,

M.C. 2889



Muskogee, Indian Territory, October 11, 1901.

Thomas J. Du Bose,  
Burke,  
Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 28, 1901, with which you enclose the affidavit of J. S. Bays, offered for filing in support of the application of Thomas J. Du Bose for the identification of his minor children as Mississippi Choctaws.

The same has been filed with the other records in this case, and will received the consideration of the Commission in the disposition of this application.

Yours truly,

M.C.2889

COMMISSIONERS  
HENRY L. DAVIS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2889

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

William Cary DuBose,

Burke, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2889.

COPY.

Muskogee, Indian Territory, July 13, 1903.

William Cary Du Bose,  
Burke, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Noddies.*  
Commissioner in Charge.

MCR 2889

Muskogee, Indian Territory, December 6, 1906.

William Carey De Rose,  
Burke, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

7R2889

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

OCT 9 1901

  
ACTING CHAIRMAN

00311

State of Texas.  
County of, Freestone.

Before me the undersigned Authority this day personally appeared, Revt. J. S. Bays, who after being by me duly sworn, Deposes and Says, That, I on the 30. day of Oct 1898 united in Marriage, Tom. Dubose, and Sarah Jane Blakely.  
Witness

J. S. Bays

H. Blakely.

M. A. Blakely

Subscribed, and sworn to before me this 23<sup>rd</sup> day of September, 1901.

B. H. Wilson,

Justice, Peace, and  
Ex Officio, Notary Public,  
Freestone Co., Texas.



No. 2551

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name Thomas J. Du Bose

Age 48 Blood 1/16

Post Office, Burke, Texas

Father:

Mother & children: Sarah Jane Du Bose  
Children (dead)  
Claims through mother

Children:

William Cary Du Bose	12
Hattie V	" 10
Robert Chester	" 8
C. B.	" 6

Claims for self and  
four children

Stenographer

Henry G. Hains

William Carey Du Bose, et al

A. 2889

DECISION RENDERED. JAN 22 1903

REF TO M. 3. 2887

Choctaw MCR 2890

William L. Blakely

MCR 2890

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2890

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw.

William L. Blakley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William L. Blakley.  
Q How do you spell that? A Blakley.  
Q You said B-l-a-k-l-e-y? A Yes.  
Q What is your age? A Twenty five.  
Q What is your post-office address? A Beard, Texas.  
Q How long have you lived there? A Been living there about 10 years.  
Q Where did you live before you lived there? A I lived- I was born in Mississippi.  
Q Well how old were you when you left Mississippi? A I don't know for certain I guess I was about four years old.  
Q Where did you go to from Mississippi? A I went to Navarro County, Texas.  
Q You went to Texas from Mississippi when you were about four years old? A Yes.  
Q Have you ever had a residence outside of the State of Texas since that time? A No.  
Q What is your father's name? A Reb Blakley.  
Q Is he living? A No.  
Q What is your mother's name? A Cynthia Blakley.  
C-y-n-t-h-a? A Yes.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of their marriage? A Yes.  
Q Will you offer that for filing with the Commission? A Well, I don't know.  
Q Don't you know whether you can get that evidence or not? A No.  
Q Had your father and mother a marriage license and certificate?  
A I guess so.  
Q Do you know where that is? A No.  
Q Is it on file in any of the Courts? A I don't know.  
Q It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as a Mississippi Choctaw. I will say for your information that if you cannot get the Court record the Commission will accept the affidavits of two disinterested parties who were present at the marriage or knew them to be recognized in the community in which they lived as man and wife.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Ida Blakley.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q She is a white woman and makes no claim to Indian blood? A No.  
Q Have you any children for whom you wish to make application at

William L. Blakley---2

this time? A No.

Q You are making this claim for yourself alone? A Yes. ..

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 make application for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim the right now to be identified as a Mississippi Choctaw? A I claim it under my father.

Q Well what right had your father? A His father was Indian.

Q You claim the right now to identification as a Mississippi Choctaw because you have always been taught that your father had Choctaw blood? A Yes.

Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A No I claim under the 1830 treaty the fourteenth article.

Q The fourteenth article of the treaty of 1830? A Yes.

Q Do you understand the provisions of that article of that treaty?

A I sort of understand it.

Q Well, give us your idea of what is meant by this fourteenth article.

A Well they exchanged land in Mississippi for land here West.

Q In 1830 the State of Mississippi was being filled up by white settlers and it became impossible to protect the Indians in their tribal government there in Mississippi any longer and in order to remove them from that State to the lands West of the Mississippi River the United States tried to make a treaty with them, but couldn't get any treaty with them until some provision was made for those Indians who didn't want to come West and article fourteen was made a part of the treaty for the benefit of those Indians who wanted to stay in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West to the new country across the Mississippi River could remain in Mississippi and receive land there by going to the Indian agent there within six months after the treaty was ratified and telling him that they didn't want to come West, that they wanted to stay there and become a citizen of the United States.

The article further provided that those Indians who took advantage, that is went to the Indian agent, were not to lose the privilege of a Choctaw citizen, but, if they ever removed were not to be entitled to any part of the Choctaw yearly payments of money. Is that the article of the treaty under which you claim on which you base your claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No I don't know.

Q Do you know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was made between the United States and the Choctaw tribe? A My grandfather was named Jim Blakley- Jim Blakley.

Q That was your father's father? A Yes. My great-grandfather was named John Blakley and my great grandmother was Elizabeth Blakley.

Q Well John Blakley was a Choctaw Indian? A No.

Q Your grandfather Jim Blakley was a Choctaw Indian? A Yes.

Q Now which one of your great-grandparents do you claim was Choctaw Indian? A Well, Elizabeth Blakley was my great-grandmother.

Q Which one of these ancestors lived in Mississippi in 1830? A I have been taught that my great-grandmother Elizabeth Blakley.

Q Have you any evidence showing that she was a Choctaw Indian? A Yes I think so.

Q Will you offer that to the Commission? A Yes.

Q In what form is that evidence? A I don't know.

Q Well, will it be the oral testimony of witnesses, their depositions or affidavits? A It will be testimony here.

Q Testimony here before the Commission? A Yes.

Q Are there witnesses living who knew that your great-grandmother Elizabeth Blakley was a Choctaw Indian living in Mississippi in 1830?

A Yes I guess so.

Q Did she, if a Choctaw Indian, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Indian territory from 1833 to 1838 when the other Indians came? A No.

Q Have you any evidence of that fact? A No.

Q Have you any witnesses living who could testify on that point?

Q I don't know whether there is or not.

Q If she did not remove with the other Indians do you know whether she within six months after the ratification of the treaty of 1830 went to the Indian agent there in Mississippi and told him she wanted to stay in Mississippi and become a citizen of the United States?

A No, I don't know.

Q Any witnesses living who could testify on that point? A I think so; I don't know.

Q Can you get their evidence before the Commission? A Yes, I guess I can.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Did you ever hear whether they did or not? A No, I don't know whether they did or not.

Q Did any of them ever own any land which they got from the Government under the treaty of 1830? A I don't know whether they did or not.

Q Did any of them ever get any scrip from the Government under this treaty? A I don't think they did.

Q You state that you have witnesses of the fact that your great-grandmother was a Choctaw Indian living in Mississippi in 1830 have you them here before the Commission? A Yes, here is one right here, Sarah Adams.

Q Have you just the one? A No.

Q How many have you whose evidence you would like to offer? A Two.

William Blakley---4

Sarah Adams being called and sworn as a witness in this case testified as follows on behalf of applicant:

- Q What is your name? A Sarah Adams.  
Q What is your age? A Fifty two.  
Q What is your post-office address? A Colorado City, Texas.  
Q Are you an applicant for identification as a Mississippi Choctaw before the Commission? A Yes.  
Q Are you acquainted with applicant William L. Blakley? A Yes.  
Q How long have you known him? A About twenty one years.  
Q What relation are to him, if any? A Second cousins.  
Q Do you know his father and mother personally? A Yes.  
Q What was his father's name? A Robert; they call him Rob.  
Q What was his mother's name? A Cynthia.  
Q Through which one of his parents does he get his Choctaw blood? A His father.  
Q What relation is his father to you? A Cousin.  
Q Through which one of his parents did this father, Rob Blakley, get his Choctaw blood? A His father.  
Q What was his father's name? A Jim Blakley.  
Q Is Jim Blakley related to your father or mother? A My mother.  
Q What relation is he to your mother? A Brother.  
Q Through which one of your parents do you get your Choctaw blood? A Mother.  
Q Then you and the applicant, William L. Blakley, claim your Choctaw blood through the same common ancestor? A Yes.  
Q What was that ancestor's name? A Elizabeth Blakley.  
Q Did she live in Mississippi in 1830? A I suppose so; all I can remember is from family history.  
Q Were you personally acquainted with her? A I have a dim recollection.  
Q Do you know whether she came West with the other Indians to the Indian Territory between the dates 1833 to 1838? A I never heard of it.  
Q Where did she die? A In Newton County, Mississippi.  
Q Do you remember her death there in Mississippi? A Yes.  
Q Was she a recognized member of the Choctaw tribe there in Mississippi? A I am told she was by the Choctaws.  
Q Was she ever enrolled there in Mississippi? A I don't know.  
Q Were you present at the marriage of this applicant's father and mother? A No.  
Q You don't know anything about it from your own personal knowledge? A I know that they lived together as man and wife, and that at her death he had to get an order of court to dispose of their property; he sold the land shortly after she died.  
Q To applicant: Is there anything else you would like to have the witness asked? A No.

Witness excused.

Temple McAllister being called and sworn as a witness in this case testified as follows on behalf of applicant:

- Q What is your name? A Temple McAllister.  
Q What is your age? A Forty nine.  
Q What is your post-office address? A Waco, Texas.  
Q Are you an applicant before the Commission for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with the applicant William L. Blakley? A Yes.  
Q How long have you known him? A Since he was a small child. I suppose about twenty one years.  
Q What relation are you to him, if any? A Second cousins.



William L. Blakley----5

Q Were you personally acquainted with his father and mother?  
A Yes both of them.  
Q What was his father's name? A Robert Blakley; known as Rob.  
Q What was his mother's name? A Cynthia Blakley.  
Q Through which one of his parents did he get his Choctaw blood?  
A Through his father.  
Q What relation was his father to you? A First cousin.  
Q Did Rob Blakley get his Choctaw blood through his father or mother?  
A Through his father.  
Q What was that father's name? A Jim Blakley.  
Q What relation was Jim Blakley to you? A My uncle.  
Q Was he your father's brother or your mother's? A Mother's.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother.  
Q Then this applicant claims his Choctaw blood through the same common ancestor as you claim? A Yes.  
Q What was that ancestor's name? A The Common ancestor of us all?  
Q Yes. A Elizabeth Blakley.  
Q What relation was she to this applicant? A Great grandmother.  
Q Did she live in Mississippi in 1830? A I am told that she did. Of course that is long before my recollection- but I am told that she lived and died there.  
Q Was she a recognized member of the Choctaw tribe there in Mississippi?  
A I don't know.  
Q You don't know whether she was enrolled there in Mississippi?  
A I don't.  
Q You don't know then personally whether she went to the Indian agent there and told him that she wanted to stay in Mississippi and become a citizen of the United States; whether she did this within six months after the ratification of the treaty of 1830? A No, I don't remember back that far- that's before I was born.  
Q Were you present at the marriage of the parents of this applicant, William L. Blakley? A No, I was in Texas and they was married in Mississippi- he can get proof though.  
To applicant: Q Is there anything more that I have not asked that you would like to have brought out? A No.

Witness excused.

Q Is there anything more you would like to say at this time in support of this application? A No.  
Q Have you any documentary evidence, papers, affidavits of any kind you want to file now? A Not as I know of.  
Q Should you desire to offer any further evidence in support of this application, either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in your case.

The applicant in this case has brown eyes and straight dark brown hair and slight dark mustache; he has the features and general appearance of a white man and shows no marked traces of Indian blood. He has no knowledge of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Can you speak Choctaw? A No.

He cannot speak Choctaw language.

Q Did you know your grandfather, Jim Blakley; did you ever see him?  
A No, if I ever seen him, I don't recollect.  
Q Did you ever see your great grandmother? A No.

And he has no personal knowledge of his ancestors further back than his



William L. Blackley--3

father and mother.

Henry G. Hains being duly sworn ~~testifies~~ on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of Aug. 1901.

*R. H. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah W. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2901.

In the matter of the application of Merlin G. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas R. Ross, et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898.

In the matter of the application of Temple McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859.

In the matter of the application of Areada DuRose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Cary DuRose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2859.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854.

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Boggy Depot.

Q Indian Territory? A Yes

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows those old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them: he says they didn't live old enough; he don't know them.

Q Ask him if he knows Arcada DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these older people but these younger people I don't know anything about."

Q Ask him if he knows William D. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?

A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation

Q "Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place."

Q Ask him where he lived before he came to the Choctaw Nation?  
 A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he says it Hoke-e-loroo; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830, he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second migration; its about two years after the first migration; that must be about 1832.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw name? A He says there was some white missionaries come there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived in near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetnam Grove or York.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that there that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.

Q Ask him what that white man's name was? A He says, "the name is a pretty hard one to remember but I am thinking of it"; he says that sometimes he can remember any name but then when he forgets then he can't get it back.

Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.

Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.

Q Ask him what makes him think so? A He says that those who had horses, ponies, to ride did but those who didn't didn't go.

Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time abaying about but he can't say about her.

Q Ask him if she ever told him that she was going to register or that she had gone? A He she never told him.

Q Ask him if he knows the names of any of her children? A He don't know the names.

Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.

Q And did she still stay in Mississippi after he left there? A Yes.

Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.

Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.

Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.

(To applicant)

Q Is there anything more you want brought out by this witness? A Only as he can remember Elizabeth Smith's husband's name; nothing more.

Q Ask him if he remembers the name of Elizabeth Smith's husband now? A He says that Elizabeth Smith's husband was a white man and there was another man named just like him, but he don't know what it was.

Q Ask him if he didn't say awhile ago that it was Blakeley? A He says he has forgot it.

Q Well, ask him if he remembers that Blakeley is right? A Yes - that's the name; he remembers now that that is the name.

(To applicant)

Q Is there anything more you can think of that has not been brought out? A I think not.

Q Ask him if he knows anything more about Elizabeth Smith: I have already brought out? A He says he don't know anything more.

(Witness Excused.)

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing in a full, true and correct transcript of his stenographic notes in said testimony and on said date.

*Henry G. Haines*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Hinebaugh*  
Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2890.

In the matter of the application of Mattie Ferryth et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2907.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Reas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Reas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Marlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2889.

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In the matter of the application of Arcada DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, N. C. 2838.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, N.C. 2856.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, N.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, N.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, N.C. 2853.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, N.C. 3149.

In the matter of the application of Joseph E. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, N.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, N.C. 3157.

In the matter of the application of Mera B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, N.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, N. C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, N.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commissioner-

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reason so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you ever live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q There were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q There were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forayth, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Temple M. Allister, Albert Edward Boyd, Arcada DuBose, Oral Boyd, William B. Williamson, Margie Adams, Lillian Thomas, Maria Gibson, Joseph M. Boyd, Lawrence L. Boyd, William F. Walker, Lora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these children get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.



- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so - I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty-years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? I was born in 1820 you can count it.
- Q About how old were you? (By Attorney; was it before the War) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blackley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blackley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I do not.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your Father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --What was their names please? --A Their names or mine?
- Q To their-- Give me the names of your brother's and sister's? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--you have you Rhoda Blakley.
- Q Now the next Rhoda? A Russell Blakley, Albany Blakley, Temple Blakley, James Blakley, Mathers Blakley and Sarah Ann Blakley.

Witness Excused.

Milda Jane Barrington being called as a witness testified as follows, being first duly sworn.

- Q That is your name? A Barrington, E. J.
- Q That does that E. stand for? A It stands for Milda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

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- Q About how old? I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Aranda DeBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one?
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was the given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippian Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q She was a Choctaw Indian? A Well they called her that or she looked like ~~some~~ it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to the Commissioners and tried to get land there in Mississippi? A No I do not know.

#7

- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Harrington if you were at Elizabeth Blakley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Do you remember where Elizabeth Blakley died? A Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.  
Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27 day of September 1901.

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, October 11, 1901.

Mr. W. Blakeley,  
Wortham,  
Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 30, 1901, with which you enclose the affidavit of Eugene Carleton, and the joint affidavit of I. M. Harris and R. O. Harris, offered for filing in support of the application for identification as a Mississippi Choctaw of William L. Blakeley. You also ask to know how many affidavits have been filed in the William L. Blakeley case.

In reply to your letter you are advised that it appears from our records that on July 2, 1901, William L. Blakeley appeared before the Commission at Atoka, Indian Territory, and applied for identification as a Mississippi Choctaw. No documentary evidence other than the affidavit above mentioned, has been offered for filing in support of this application.

Yours truly,

W.C.2890

Muskogee, Indian Territory, November 15, 1901.

L. A. Smith,  
Board, Texas.

Dear Sir:

~~Receipt is hereby acknowledged of your letter of the~~  
6th instant in which you desire to be informed what chance William  
L. Blakely stands to be enrolled as a citizen of the Choctaw Nation.

You are informed that it appears from our records that at  
Atoka, Indian Territory, on July 9, 1901 William L. Blakely made  
personal application to this Commission for identification as a  
Mississippi Choctaw. The Commission has not up to this time taken up  
for consideration or rendered any opinion relative to the right of  
this applicant as a Mississippi Choctaw, and it is probable that no  
definite action will be taken for some time to come. When a decision  
is reached Mr. Blakely will be duly notified of such action as may  
be taken by the Commission. The status of this person is that of  
an applicant for identification as a Mississippi Choctaw, whose  
rights have not been passed upon by the Commission at this time  
and he is not in any manner listed for enrollment as a citizen  
of the Choctaw Nation.

Yours truly,

M. C. 2890

Acting Chairman.

Muskogee, Indian Territory, November 15, 1901.

L. A. Smith,  
Board, Texas.

Dear Sir:

~~Receipt is hereby acknowledged of your letter of the~~  
6th instant in which you desire to be informed what chance William  
L. Blakely stands to be enrolled as a citizen of the Choctaw Nation.  
You are informed that it appears from our records that at  
Atoka, Indian Territory, on July 9, 1901 William L. Blakely made  
personal application to this Commission for identification as a  
Mississippi Choctaw. The Commission has not up to this time taken up  
for consideration or rendered any opinion relative to the right of  
this applicant as a Mississippi Choctaw, and it is probable that no  
definite action will be taken for some time to come. When a decision  
is reached Mr. Blakely will be duly notified of such action as may  
be taken by the Commission. The status of this person is that of  
an applicant for identification as a Mississippi Choctaw, whose  
rights have not been passed upon by the Commission at this time  
and he is not in any manner listed for enrollment as a citizen  
of the Choctaw Nation.

Yours truly,

N. C. 2890

Acting Chairman.



Miss. Choctaw 2890

Muskogee, Indian Territory, April 16, 1902.

W. L. Blakeley,  
Board, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 12, asking when the rolls will close and no more applications for identification as Mississippi Choctaws be heard, as you say there are some persons near you who wish to make application. You also ask when applicants for identification as Mississippi Choctaws will be allowed to sell their lands, or if they will be permitted to lease them in order to secure means to remove to the Indian Territory.

In reply to your letter you are advised that no date is now effective for the closing of the rolls of the Choctaw and Chickasaw Nations, but if the persons to whom you refer desire to make application for identification as Mississippi Choctaws, it is suggested that they do so as early as practicable.

Relative to that part of your letter which refers to the lands which may be allotted to Mississippi Choctaws, your attention is invited to the following provision of the act of May 31, 1900:



W.L.B. 2

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment: Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

It is not believed that the benefits of this legislation would accrue to applicants until they had been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830. Your status is that of an applicant for identification as a Mississippi Choctaw whose rights have in no manner been passed upon. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

Miss. Choctaw 2890

Muskogee, Indian Territory, June 3, 1902.

T. W. Kennedy,

Newton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 24, in which you state that your wife is a grand daughter of a half blood Choctaw, and that you have six children, four married, one boy over twenty one and a girl fifteen years old, and you ask to be advised if your wife must appear in person before the Commission to present her claim, or if you as her husband can make application for her; you also ask if the married boys and girls have the same privileges as your wife; You further inquire whether one William S. Blakely has made application, and if so, if he has been identified by the Commission.

In reply to your letter you are advised that the rules of the Commission to the Five Civilized Tribes and of the Department require that each applicant for identification as a Mississippi Choctaw must appear in person before the Commission for examination under oath, at which time a proper record is made of his claim. If your wife desires to make application, she will be heard upon her personal appearance at the office of the Commission at Muskogee,

T.M.K. 2

Indian Territory, at which time she will be permitted to apply for her minor, unmarried children; but those children who are over twenty one years of age, or married, must make applications for themselves. You would not be permitted to make application for the identification of your wife, unless she were permanently disabled, and then only upon presentation of the certificate of a physician to that effect, and power of attorney properly executed by your wife, authorizing you to make application for her.

The authority of the Commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the act of Congress of June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent, within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years from the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

T.N.K. 3

The Commission will require of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw nation in Mississippi and Alabama in 1830, and whose claims under the fourteenth article of the treaty of 1830 were favorably adjudicated.

If your wife and children anticipate making application as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 above quoted, it is suggested that, in view of the probability of some early date being fixed or agreed upon, terminating the time within which the Commission can receive and consider applications of this character, they do so as early as practicable.

You are advised that it appears from our records that on July 9, 1901, William L. Blakeley, of Board, Texas, twenty five years old, son of Rob and Cynthia Blakeley, at Atoka, Indian Territory, made application for identification as a Mississippi Choctaw. No decision has yet been reached nor opinion rendered relative to his rights as such Mississippi Choctaw. If this is not the person concerning whom your inquiry is made, and you will advise when, where, and under what name application was made by him, the matter will receive further consideration.

Yours truly,

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2890

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**William L. Blakley**

Board, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Chairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Hurvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY.

M C.R. 2890.

Muskogee, Indian Territory, July 13, 1903.

William L. Blakley,  
Board, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*I. B. Needles.*  
Commissioner in Charge.



REFER IN REPLY TO THE FOLLOWING:

MCR 2890

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

William L. Blakeley,  
Board, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

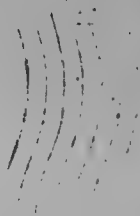
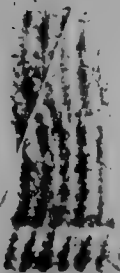
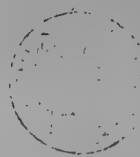
Acting Commissioner.

DEPARTMENT  
Commissioner of

1891

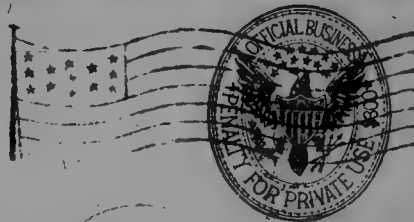
*[Handwritten signature]*

Comptroller



Department of the Interior.

Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



William L. Blakeley,

Board, Texas.

*Present address unknown.*

*Return to writer*

No.

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name William L. Blakley

Age 25 Blood 1/16

Post Office, Board, Texas

Father: Rob Blakley (dead)

Mother: Cynthia "

Claims through father  
wife: Ida Blakley  
(no claim for her)

Children:

Claims for self only.

Stenographer

Henry H. Hains

William L. Clakely  
R. 1890 2890

RECEIVED

DECISION RENDERED, JAN 23 1903

NO. 1

1890

1890

AL

RECEIVED JAN 23 1903

Choctaw MCR 2891

Mary I. Shaw

See MCR 133

MCR 2891

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 9, 1901.

# 2891

In the matter of the application of Mary I. Shaw for identification as a Mississippi Choctaw.

Mary I. Shaw being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary I. Shaw.  
Q S-h-a-w? A Yes.  
Q What is your age? A Thirty.  
Q What is your post-office address? A Ardmore, I.T.  
Q How long have you lived there? A About fourteen months.  
Q Where did you live before that? A In Mississippi.  
Q How long did you live in Mississippi? A I was born and raised there.  
Q And lived there continuously until you moved to the Territory?  
A Yes.  
Q What is your father's name? A Reot Thompson.  
Q How do you spell that? A Well, its Reator L. Thompson.  
Q Is he living? A No.  
Q What is your mother's name? A Sarah Thompson.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father, through whom you derive your Choctaw blood and claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of that fact? A Well, I suppose so.  
Q Have you the marriage license and certificate that you can file with the Commission? A Yes, she has the marriage certificate, I suppose.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make.

- Q Are you married? A Yes.  
Q What is your ~~name~~ husband's name? A Robert G. Shaw.  
Q Do you make any application for your husband? A No; he has already made application before the Commission for identification as a Mississippi Choctaw.  
Q Have you any children? A Yes; I have three.  
Q Your husband made application for them also, did he? A Yes.  
Q How many children did you say you have? A I have three.  
Q Has your husband any children by a former wife? A No.

On M.C.R. card 133 appears the name of Robert G. Shaw, husband of this applicant, and his three minor children; it appears that at the time he made application for the identification of himself and the children as Mississippi Choctaws, he applied for the identification of his wife, Ida M. Shaw as an inter-married Mississippi Choctaw; also that he made a statement at this time that his wife claimed to have Choctaw Indian blood.

Mary I. Shaw---2

Q You are making this application for yourself alone, are you? A Yes.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application prior to the Choctaw tribal authorities at in the Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Is this the first application you have ever made of any kind? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q On what are you basing your claim to identification now? A Why, Mississippi Choctaw.

Q Well, on what do you base your claim that you are Mississippi Choctaw? Or that you have a right to be identified now?

A Because my father was a Mississippi Choctaw and my grandmother.

Q You are making your claim then because you have always been taught that your father and grandmother had Choctaw Indian blood? A Yes.

Q Do you make claim under any of the treaties between the United States and the Choctaw Nation? A Yes.

Q Under what treaty do you claim? A 1830.

Q Under what particular portion of that treaty? A I don't understand.

Q Do you make a claim under any particular part of that treaty or do you claim under the whole treaty? A I claim under the fourteenth article.

Q Do you understand the provisions of that fourteenth article of the treaty of 1830? A Yes I suppose.

Q Just give us your understanding of that article please.

A Well, the treaty of 1830 protects the Mississippi Choctaws in system- in sustaining their right in the territory.

Q That's what you understand by the fourteenth article of the treaty of 1830 is it? A Yes.

Q The treaty of 1830 was entered into between the United States and the Choctaw Indians for the purpose of removing the Choctaw Indians from Mississippi to the new country west of the Mississippi River and exchanging their lands in Mississippi for lands West of the river; but the Indians would not make any treaty until some provision was made for those who didn't want to come West; so article fourteen was made a part of the treaty to provide for those who didn't want to come West but wanted to stay in Mississippi. And article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying to the Agent his intention within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could remain in Mississippi and go to the Indian Agent there within six months after the ratification of the treaty of 1830.



Mary I. Shaw---3

and told him that they wanted to stay in Mississippi and become citizens of the United States. By doing this they would receive a reservation of land from the government. The article further provided that if they stayed there and complied with the provisions of that treaty they were not to lose the privilege of a Choctaw citizen but if they ever removed were not to be entitled to any portion of the Choctaw yearly payments of money. Is this the article under which you claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 at the time this treaty was entered into between the United States and the Choctaw tribe of Indians? A My grandmother's name was Nancy Rector.

Q Was that your father's mother? A Yes.

Q Was that her name before she was married? A Yes.

Q Did she live in Mississippi in 1830? A Yes, I suppose so.

Q Did you know your grandmother? A No; she died when I was small.

Q You don't have any remembrance of her? A No.

Q You don't know from your own personal knowledge whether she lived in Mississippi in 1830 or not? A No.

Q You never heard her say? A No.

Q You have been taught that from hearing it spoken of? A Yes.

Q You have been taught it by your family? A Yes.

Q Have you any witnesses that could testify to that personally? A Yes.

Applicant's attorney, Mr. Arnold, states that a number of witnesses have been heard in person before the Commission at Meridian, Mississippi, on the 1st and 2nd. July, 1901, in regard to the ancestors of this applicant.

Q The testimony of these witnesses who know these facts personally has already been given before the Commission at its office in Meridian? A Yes.

Q Do you know the names of these witnesses? A Willis F. Pandren; Jim Thomas; Joseph Pierce.

Q Any others? A No, I think not.

Q And they have testified fully orally before the Commission as to all the facts they knew? A Yes.

Q You claim, then, that your grandmother, Nancy Rector, afterwards Nancy Rector Thompson, lived in Mississippi in 1830 and was Choctaw Indian? A Yes.

Q Did she have a Choctaw name? A Yes.

Q What was it? A Wash-shah-tubbee.

Q Do you know whether this ancestor, this grandmother Nancy Rector or Wash-shah-tubbee went to the Indian Agent there in Mississippi within six months after this treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A I have been told that she did; I don't know myself.

Q You presume that all the facts that are known about that have already been brought out before the Commission? A Yes.

Mary I. Shaw---

Q Do you know whether she ever removed from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the other members of the Choctaw Nation from 1833 to 1839?

A I don't think she did.

Q Did any of your ancestors, Nancy Rector, or any other of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I think not.

Q Did any of them ever own any land which they received from the government under the treaty of 1830? A Not that I know of.

Q Did they ever get any scrip from the government under the treaty of 1830? A Not that I know of at all.

Q Is there any thing else that you would like to say now in support of your application? A No, I don't know that there is.

Q Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in your case.

I understand from your attorney that you want to offer a certified copy of the testimony which was taken before the Commission at Meridian, in all these cases, on July 1st and 2nd. You want to file a certified copy of that testimony? A Is that what you want?

A Yes.

Q You will be permitted to offer that or any other proper evidence which you desire in support of your application.

The applicant in this case has straight light brown hair, bluish gray eyes and moderately fair complexion. From her testimony it appears that her ancestors lived in Mississippi in 1830, though she does not know personally whether they complied with the provisions of the fourteenth article of the treaty of 1830.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language.

##13311-3333.3

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 22 day of July 1901.

W. H. H. H. H.

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO T-2 FIVE CIVILIZED TRIBES.

-----4000-----

In the matter of the application of Robert G. Shaw et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-133.

In the matter of the application of Sarah Shaw for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-134

In the matter of the application of Sarah Thompson for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-135.

In the matter of the application of Josephine Smith for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 12, 1900. Mississippi Choctaw Card, Field No. R-137.

In the matter of the application of James H. Pilkinton et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 12, 1900. Mississippi Choctaw Card, Field NO. R-139

In the matter of the application of Beulah Smith for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 12, 1900. Mississippi Choctaw Card, Field No. R-138

In the matter of the application of Ed. Thompson et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-136

In the matter of the application of Jennie Cora Lewis for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-710.

In the matter of the application of Amelia Terressa Kyle et al. for identification as Mississippi Choctaws, originally heard at Muskogee, I.T. October 24, 1900. Mississippi Choctaw Card, Field No. R-932

In the matter of the application of William R. Kyle for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-737

In the matter of the application of Lee Kyle for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. October 24, 1900. Mississippi Choctaw Card, Field NO. R-933.

In the matter of the application of Mary E. Lee et al. for identification as Mississippi Choctaws, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-734

In the matter of the application of Caldonia Huffman for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-728.

In the matter of the application of James W. Shaw for identification as a Mississippi Choctaw, originally heard at Hattiesburg, Mississippi December 18, 1900. Mississippi Choctaw Card, Field No. R-1124.

In the matter of the application of Mary I. Shaw for identification as a Mississippi Choctaw, originally heard at Atoka, I.T. July 9, 1901. Mississippi Choctaw Card, Field No. R-2891.

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday, August 20, 1901, these several cases being called for the hearing of additional testimony of witnesses in person; no appearance was made on behalf of the Choctaw Nation by its attorneys, and the applicants being represented by J. E. Arnold, their attorney, the following motion was made by said Arnold:

"On account of witnesses being sick that the applicants were expecting to use I ask that said cases be continued to some date in the future that will best suit the convenience of the Commission"

Upon motion and showing made by attorney for the applicants the further hearing of testimony of witnesses in person in these several cases is continued to Monday, October the 7th, 1901 at the office of the Commission at Atoka, Choctaw Nation, Indian Territory, at 9:00 o'clock A.M.

M C R--2891.

COPY

Muskogee, Indian Territory, March 3, 1901.

Mary I. Shaw,

Ardmore, I. T.

Dear Madam-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert G. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert G. Shaw, et al.,	M.C.R. 133
Sarah Shaw,	M.C.R. 134
Sarah Thompson,	M.C.R. 135
Josephine Smith,	M.C.R. 137
James H. Pilkinton, et al.,	M.C.R. 139
Beulah Smith,	M.C.R. 138
Ed Thompson, et al.,	M.C.R. 136
Jennie Cora Lewis,	M.C.R. 710
Amelia Terressa Kyle, et al.,	M.C.R. 932
William R. Kyle,	M.C.R. 737
Lee Kyle,	M.C.R. 933
Mary E. Lee, et al.,	M.C.R. 734
Caldonia Huffman, et al.,	M.C.R. 728
James W. Shaw, et al.,	M.C.R. 1124
Mary I. Shaw,	M.C.R. 2891

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

M.I.S.-----2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Robert G. Shaw, Velmer Shaw, Ola B. Shaw, Loring Shaw, Sarah Shaw, Josephine Smith, James H. Pilkinton, Annie Pilkinton, Willie Pilkinton, James A. Pilkinton, Beulah Smith, Ed Thompson, Prince Thompson, Rector Thompson, Henry Thompson, Georgia Thompson, Nellie Thompson, Jennie Cora Lewis, Amelia Terressa Kyle, Chalmers Guy Kyle, Thomas Robert Kyle, William R. Kyle, Lee Kyle, Mary E. Lee, Velma Hodnett, Lud Hodnett, Estella Lee, Talmidge Lee, Willie Esten Lee, Caldonia Huffman, Oscar Chilcote, Ulie Huffman, James W. Shaw, Joe Shaw, Tom Shaw, Robert Shaw, William Shaw, Arizona Shaw, Clark Shaw, John Shaw, Frank Shaw, Lester Shelley Shaw and Mary I. Shaw as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicant Sarah Thompson, withdrawing the application which she made for the identification of herself as an intermarried Mississippi Choctaw no further consideration of her case is necessary.

"It is further the opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Robert G. Shaw for the identification of his wife Ida M. Shaw, and the application made by James H. Pilkinton for the identification of his wife Annie Pilkinton, and the application made by Ed Thompson for the identification of his wife Jennie Thompson, and the application made by Mary E. Lee for the identification of her husband Herbert Lee, and the application made by Caldonia Huffman for the identification of her husband Albert Huffman, as intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

*James Dixby.*

Registered.

26  
Commissioner in Charge.



Muskogee, Indian Territory, August 22, 1901.

Mary I. Shaw,

Ardmore, Indian Territory.

Dear Madam:-

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday August 20th, 1901, upon a motion duly made by [redacted] Attorney for the several applicants in the cases of Robert G. Shaw et al., for identification as Mississippi Choctaws, the hearing of further testimony of [redacted] witnesses in person was continued until Monday October 7th, 1901, at 9:00 o'clock A.M., at the office of the Commission at Atoka, Choctaw Nation, Indian Territory.

Yours truly,

M.C.R.2891.

Commissioner in Charge.

M.C.R. 2891

Muskogee, Indian Territory, May 9, 1902.

Mary I. Shaw,

Ardmore, Indian Territory.

Dear Madam:-

You are hereby advised that on the 1st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert G. Shaw, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge



2891

Mary J Shaw

Doct - Entry

Rocky Ent. J.

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FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R2891

Mary J. Shaw

Reference To  
Robert G. Shaw et al. M. C. R. 133.

No. 2891

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name Mary E. Shaw

Age 30 Blood 28

Post Office, Ardmore, L. T.

Father: Rector L. Thompson (dead)

Mother: Sarah Thompson -

Claims through Father.

husband: Robert E. Shaw -  
(no claim for him)

Children:

Claims for self alone.

Stenographer

Henry G. Hains.

Choctaw MCR 2892

Mary L. E. Higgins

See MCR 2654

MCR 2892

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2892

In the matter of the application of Mary L.E. Higgins for the identification of herself and her four minor children as Mississippi Choctaws.

Mary L.E. Higgins being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Elizabeth Higgins.  
Q How do you sign your name? A M.L.E. Higgins.  
Q What does that L. stand for? A Lucinda.  
Q Mary L.E. Higgins then is it? A Yes.  
Q What is your age? A Thirty two.  
Q What is your post-office address? A Minco, I.T.  
Q How long have you lived there? A About six or seven months I guess.  
Q Where did you live before that? A I have lived in the Indian Territory all my life.  
Q Were you born in the Indian Territory? A Yes.  
Q And have you lived there all your life? A Yes; I have lived around in this territory- I haven't lived in any certain place.  
Q Well, have you ever had a home outside of this Territory? A No.  
Q What is your father's name? A W.D. Townley.  
Q T-o-w-n-l-e-y? A Yes.  
Q Is he living? A Yes.  
Q What is your mother's name? A Minerva Jane Townley  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father through whom you derive your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of that fact? A Well, I guess so.  
Q Can you file that evidence with the Commission? A Yes.  
Q Did they have a marriage license and certificate? A Yes.  
Q Can you offer that in evidence? A Yes, I guess I can.  
Q It will be necessary for the Commission to be supplied with evidence of your parents' marriage in support of the application you now make. If you cannot get their marriage license and certificate or certified copy thereof from the Court where their marriage license was filed, the Commission will accept the affidavits or testimony or affidavits or depositions of persons who were present when they were married-  
A Well, their marriage license was filed I guess.  
Q Well, if you can get that it will be filed. Are you married? A Yes.  
Q What is your husband's name? A W.H. Higgins.  
Q Is he living? A Yes he is right over there.  
Q Do you make application for your husband? A No.  
Q He is a white man and makes no claim to Indian blood? A Not as I know of he don't.  
Q Have you any children? A Yes four.  
Q Give the names and ages of these children. A My oldest one is named Benjamin F. Higgins; fifteen years old. Next Jesse P. Higgins, (Boy), Jesse Pimpton.  
Q How do you spell that middle name? A I don't know as I can spell.  
Q Do you want it just Jesse P.? A Yes.  
Q How old is he? A He is eight years old.  
Q Next? A James Frederic Higgins.  
Q How old? A Six years old.

Mary L.E. Higgins---2

Q Next? A Thomas Dewey Higgins.

Q How old is he? A He is twelve months old the 25th of March.

Q You are the mother of these four children? A Yes.

Q What is the name of their father? A Mr. W. H. Higgins.

Q When and where were you married to him? A We was married in Lone Grove, in Chickasaw nation, June 8, 1885, or very close.

Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No, not unless my father is.

Q Well, I asked you if your name or the names of your children were on the rolls? A No.

Q What makes you think your father was? A Well, because I have always been taught that there is Indian blood in us- and that made me think he was.

Q Have you any particular reason to think that his name is on any of the tribal rolls of the Choctaw nation in the Indian Territory?

A No only my grandmother or great-grandmother was Indian.

Q Has your father ever made application for identification as a Mississippi Choctaw? A Right here lately he has.

On June 18, 1901, William Townley, father of this applicant, appeared before the Commission and made application for identification as Mississippi Choctaws for himself and four minor children; at that time he stated that this was the first application of any kind that he had ever made and that his name did not appear on any of the tribal rolls of the Choctaw nation in the Indian Territory.

Q Have you ever made application to the Choctaw tribal authorities in the Indian territory for yourself or your children to be enrolled as members of that tribe? A No.

Q Did you or did any one else for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No not as I know of.

Q Did you make any such application? A No.

Q Did you authorize any one to make such a one for you? A No.

Q Have you any reason to think any was made for you? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or for your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you now claim the right to identification as a Mississippi Choctaw for yourself or children? A Why, under my grandmother.

Q What do you claim under your grandmother? A One sixteenth.

Q You claim then the right to be identified as Mississippi Choctaws because your grandmother was part Choctaw? A Yes.

Q Do you make your claim under any of the treaties between the United States and the Choctaw Indians? A I don't know.

Q Do you know anything about any of the treaties? A No.

Q The authority giving the Commission the right to hear applications for identification as Mississippi Choctaws authorizes it to identify those applicants who claim under the fourteenth article of the treaty of 1830. In 1830 the United States tried to make a treaty with the Choctaw Indians there in Mississippi to exchange their land there in Mississippi for land West of the Mississippi River; but they could not get any treaty with them until some provision was made for those Choctaws who didn't want to come West; so article fourteen was made a

part of the treaty for the benefit of those Indians who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay in Mississippi by going to the Indian agent there in Mississippi within six months after the treaty was ratified and telling him that they didn't want to come West that they wanted to stay there in Mississippi and take land there and become citizens of the United States; if they did this they would receive land in Mississippi and would not lose the right to Choctaw citizenship but if they ever removed were not to receive any portion of the Choctaw annuity. Do you make any claim by reason of this article of the treaty of 1830? A I don't know; I think so.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know whether they have or not.

Q Do you know what is meant by the word ancestor? A Yes, that's my grandparents, aint it?

Q Well, or your great grandparents or your father or mother. What was the name of your ancestor or ancestors who were residents of Mississippi in 1830 or recognized members of the Choctaw tribe when this treaty was made? A My grandmother's name was Elizabeth Townley.

Q That is your father's mother's name? A Yes; my great grandfather's name was Elijah Self.

Q Did they, Elizabeth Townley or Elijah Self, live in Mississippi in 1830? A I don't know.

Q Were they recognized members of the Choctaw tribe of Indians at that time? A I don't know; I reckon.

Q Did you know your grandmother? A No she died before I was born.

Q Do you know how many years ago she died? A No.

Q About how many years ago? A I don't know exactly how long it has been; my father was I think may be about grown- I don't know just exactly, I never did ask him.

Q Do you think it is about twenty or thirty years ago? A Yes I guess so.

Q Do you know about how old your grandmother was when she died? A No.

Q Have you any evidence that your grandmother and great grandfather lived in Mississippi and were recognized members of the Choctaw tribe at the time this treaty was made? A My father does I think.

Q Does your father know personally? A I don't know, whether he does or not- I guess he does though.

Q Was your father living in 1830? A I don't reckon he was.

Q Do you know what is meant by knowing in person? A Know it myself, I reckon.

Q Yes, that means on your own knowledge, your own actual experience. Does your father know that way? A Yes I think he does.

Q How would he know it if he was not living in 1830? A I don't know.

Q Would you like to have your father testify in your case? I guess he could be.

Q Well, would you like to have him? A Well, I would not care to.



Mary L. E. Higgins--4

Q What do you mean; that you do or don't? A Yes; I would like to have him.

Q Are there any other witnesses living who could testify? A I have an aunt- several aunts- here in the Nation.

Q How old is she? A I don't know; somewhere in forty I reckon.

Q She is not old enough to know of these things of her own knowledge is she? A She has heard her mother talk.

Q Well, is there any one living who would know these things from knowing your grandfather or great-grandfather? A I don't know, I guess there is.

Q Do you know where these people are? A No.

Q Could you get their evidence? A I think I have heard that Doc Williamson knew, but I don't know.

Q Could you get his evidence? A Well, I guess I could if I have to.

Q Could you get him to appear before the Commission personally? A I don't know but I guess I could.

Q It would be very material to your case to have some evidence to support your claim on these points. Did your grandmother or great-grandfather either one or both of them remove to the Indian Territory from the State of Mississippi in 1833 to 1838 when the other Choctaw Indians came? A I don't know I guess they did.

Q Do you know of any one who would know about that? A No.

Q Do you know whether your grandmother or great grandfather either one of them went to the Indian Agent there in Mississippi within six months after this treaty was ratified in 1830 and told him that they did not want to come West but to stay in Mississippi and become citizens of the United States? A I don't know; that is farther back than I know.

Q Well, do you know of any one who could testify on that point? A No, unless my father could.

Q Well, would your father know of this of his own personal knowledge? A I don't know.

Q Well, I am trying to find out that there is anybody living who could testify on these points? A All I know is what I have been taught; that I was Indian.

Q Do you know of anyone who could testify and help you on these points? A I don't know only Doc Williamson and that was only hearsay.

Q Do you know if your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I guess they did; I don't know.

Q Well now, you said a little while ago that you guessed they came to the Indian Territory and then, you said in answer to my question as to whether they went to the Indian Agent there in Mississippi that you didn't know, and now when I ask you whether they ever received or claimed any land in Mississippi you say you guess they did. Have you any evidence that they did? A All I know is that there is Indian in them.

Q Did you ever hear in your family that your grandmother or great-grandfather or any of your ancestors ever got any land from the Government under the treaty of 1830? A I don't know that I have.

Q Do you know whether they ever got any scrip from the Government under that treaty? A I have never heard of it.

Q Is there anything else that you would like to say in support of your application at this time? A No, I guess not.

Q Should you desire to offer any further evidence in support of this application, either the oral testimony of witnesses, their depositions or affidavits the Commission will accept the same and make them a part of the record in this case.

Examination by J. B. Arnold

Q What is your name? A Mary L. E. Higgins

Q You say you was born in the Indian Territory? A Yes.

Q Choctaw or Chickasaw Nation? A I was born in Choctaw but my parents raised me in Chickasaw

Mary L.E. Higgins---6

Q Did you ever occupy any land as a citizen in the Choctaw or Chickasaw Nation? A No.

Q Never have? A No.

Q That's all.

By the Commission.

The applicant in this case has blue eyes and straight brown hair and fair complexion; she has rather high cheek bones and her features and general appearance are those of a white person. She has no knowledge of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830 and doesn't personally know her ancestors back of her father and mother; she does not know much of her grandparents and greatgrandparents from family history.

Q Can you speak Choctaw? A No.

Q Did your grandmother or great-grandfather ever have any Choctaw names? A I don't know whether they did or not.

She does not speak the Choctaw language.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 5 day of Aug. 1901.

R. W. Linebaugh  
Notary Public.

M.C.R. 2892.

Muskogee, Indian Territory, May 16, 1902.

Mary L. E. Higgins,  
Winco, Indian Territory.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William D. Townley, et al., embracing the following applications for identification as Mississippi Choctaws:

William D. Townley, et al.....	M.C.R. 2654
Elizabeth Snider.....	M.C.R. 2655
Mary L. E. Higgins, et al.....	M.C.R. 2892
Janie Townley.....	M.C.R. 2893
William Walter Townley, et al.....	M.C.R. 2894
John M. Snider, et al.....	M.C.R. 2895
George W. Snider, et al.....	M.C.R. 2899
Edward J. Snider.....	M.C.R. 2900.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 498), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and

L.E.H., 2.

thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William D. Townley, Henry B. Townley, Lillie M. Townley, Sam Townley, Jim Townley, Elizabeth Snider, Mary L. E. Higgins, Benjamin E. Higgins, Jesse P. Higgins, James Frederic Higgins, Thomas Dewey Higgins, Janie Townley, William Walter Townley, Tommy Townley, John M. Snider, Charlie Franklin Snider, Armildia Elizabeth Snider, George W. Snider, Luther Snider, Tommy Snider, Roy Snider, Luemma Snider and Edward J. Snider, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

COPY.

M.C.R. 2892

Muskogee, Indian Territory, June 27, 1902.

Mary L. E. Higgins,

Minco, Indian Territory.

Dear Madam:

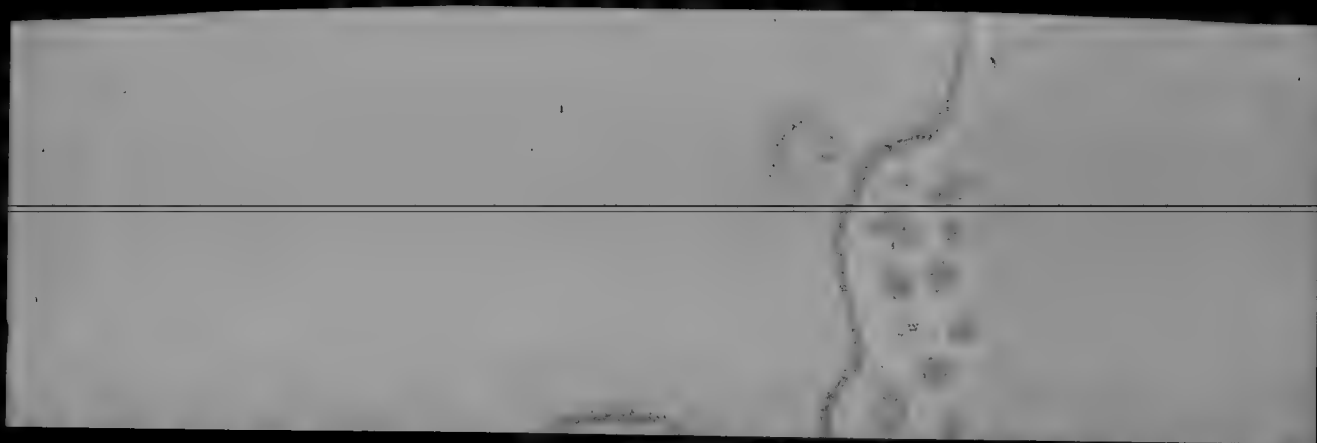
You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Townley, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

Respectfully,

F. D. Woodlee.

Commissioner in Charge.



Copy of this testimony mailed to Mansfield, McMurray & Cornish,

May 21, 1904.

No. 2832

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name Mary L. E. Higgins

Age 32

Blood

$\frac{1}{16}$

Post Office, Minco, D.T.

Father: W. D. Townley ✓

Mother: Minerva J. ✓

Claims through

father

Husband: H. L. Higgins ✓  
(no claim for him)

Children:

Benjamin F. Higgins	15
Jesse O. "	8
James F. "	6
Thomas D. "	1

Claims for herself and  
four minor children

Stenographer

Henry G. Harris  
H. G. H.



Choctaw MCR 2893

Janie Townley

See MCR 2654

MCR 2893

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2893

In the matter of the application of Janie Townley for identification as a Mississippi Choctaw.

Janie Townley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Janie Townley  
Q j-a-n-i-e T-o-w-n-l-e-y? A Yes.  
Q What is your age? A I am twenty two years of age.  
Q What is your post-office address? A Graham, Indian territory.  
Q How long have you lived there? A About three months.  
Q Where did you live before that? A I lived here in the Chickasaw Nation.  
Q How long have you lived in the Indian territory? A All my life.  
Q Were you born here? A Yes.  
Q Never had a home any where else? A No.  
Q What is your father's name? A W.D. Townley  
Q Is he living? A Yes.  
Q What is your mother's name? A Minerva Wane Townley.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of that fact? A No not at present.  
Q It will be necessary for the Commission to be supplied with evidence of your parents' marriage in support of this application you make for identification as a Mississippi Choctaw. Are you married? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 make application for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities to Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
Q Is this the first application you have ever made of any description? A Yes.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.  
Q How do you claim the right now to identification? A Through my father.  
Q Because you have always been taught that your father had Choctaw blood? A Yes.  
Q Do you make any claim under any of the treaties between the United States and the Choctaw tribe of Indians? A No.

Janie Townley---2

Q Do you know anything about the treaties? A No.

Q The provision of law vesting the Commission with authority to hear application for identification as Mississippi Choctaws gives it the power to identify those Choctaw Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States tried to make a treaty with the Choctaw Indians exchanging there in Mississippi their land for land West of the Mississippi River and remove them from that State to a country lying West of the Mississippi River. But they could not get any treaty with the Choctaws until some provision was made for those Choctaw Indians who didn't want to come West; so article fourteen was made a part of this treaty for the benefit of those Indians who wanted to stay in the State of Mississippi. The fourteenth article of the treaty of 1830 provides that: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and in that he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that those Indians who didn't want to come West, if they went to the Indian agent there in Mississippi within six months from the ratification of the treaty and told them that they didn't want to come West, that they wanted to stay in Mississippi, could receive lands there in Mississippi, and by doing this they would not lose the privilege of Choctaw citizenship but if they ever removed were not to be entitled to any portion of the Choctaw annuity. Do you make any claim by reason of this article of the treaty of 1830? A Yes, I claim under 1830.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q Do you know what is meant by the word ancestor? A I don't know.

Q That means your grandfather or mother, great grandfather or mother, or you parents,--A Yes.

Q What was the name of that ancestor who lived in Mississippi in 1830 at the time this treaty was made between the United States and the Choctaw Indians? A Elijah Self, my great grandfather.

Q What was your grandfather's name? A My grandfather's name was Townley.

Q What was the first name do you know? A John Townley.

Q What was your grandmother Townley's name? A Elizabeth Townley.

Q Was it your grandfather or your grandmother was Indian? A Grandmother.

Q Elizabeth Townley was a Choctaw Indian? A Yes.

Q Have you any evidence that either your grandmother Elizabeth Townley or your great grandfather Elijah Self were Choctaw Indians? A Not at present.

Q Did they live in Mississippi in 1830? A I don't know.

Q What was Elizabeth Townley's father's name? A Elijah Self.

Q Your great grandfather? A Yes.

Q What was her mother's name? A Elizabeth- she was named after her mother.

Q Her mother's name then is Elizabeth Self? A Yes.

Q Who claimed Choctaw blood? A Yes.

Q That is, it was your great grandfather Elijah Self who did? A Yes.

Janie Townley---3

- Q and his daughter, Elizabeth Self became a Townley and married your grandfather? A Yes.
- Q Did either of these ancestors ever live in Mississippi in 1830? A I don't know.
- Q Is there any one living who would be able to testify on these points? A I don't know unless it is father.
- Q Would your father know anything about that personally? A I don't know.
- Q Was your father living in 1830? A No; he may have heard them say.
- Q Well the question was personally, that is, from having known your grandmother Townley and your great grandfather Self? A I don't know.
- Q Have you any records in your family? A No.
- Q Did either your great grandfather Self or your grandmother Townley remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory when the other Indians came here in 1833 to 1838? A No.
- Q Did either of them go to the Indian agent there in Mississippi within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi and become citizens of the United States? A Not that I know of.
- Q Did your grandmother or great grandfather have any Choctaw names? A No, not that I know of.
- Q Is there any one living who would be able to testify as to whether these ancestors came to the Indian Territory along with the other Indians or whether they went to the agent there in Mississippi and told him they wanted to stay--? A Not that I know of.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I think so.
- Q Have you any evidence of that fact? A No; not at present.
- Q Do you think you will be able to secure it? A I think so.
- Q What kind of ~~records~~ evidence will it be, copies of records, or patents or affidavits or witnesses? A Witnesses I guess.
- Q I thought you said that you didn't know of any one living that knew your grandmother or great grandfather to testify about any of these things? A I don't know.
- Q Your father was not living in Mississippi in 1830, you said? A Yes, that's what I said.
- Q Do you know whether any of your ancestors ever owned any land which they received from the Government under the treaty of 1830? A I don't know. No, they didn't.
- Q Do you know whether any of them ever received any scrip from the Government under this treaty? A No.
- Q Do you know what is meant by the word scrip? A No.
- Q Well, after this treaty of 1830 was ratified and some Indians had come West it was found that some of the Indians who had gone to the Indian agent there and registered had not had their names registered; so there were Commissioners appointed under acts of Congress to look into this matter and find out the claimants who were entitled to land there in Mississippi; and in cases where it was found that the applicant was entitled to land there in Mississippi and the land they claimed was sold or occupied by other people, scrip was issued to them for land in some other part of the State of Mississippi, or Alabama, Arkansas or Louisiana-- so when I asked you that question, I meant did any of your ancestors ever get any scrip from the government for such land? A Not that I know of.
- Q Is there anything further you would like to say in support of your application at this time? A No.
- Q Have you any documentary evidence you want to file now, affidavits or written evidence of any kind? A No.
- Q Should you desire to offer any further evidence in your case, either the oral evidence of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the records in your case.

Janie Townley-----4

Examination by J.E. Arnold.

Q What is your name? A Janie Townley.

Q Are you related in any way to Mrs. Higgins? A Yes she is my sister.

Q That's all.

By the Commission:

Did any of your ancestors, Elijah Self or your grandmother Townley have any Choctaw names? A I don't know.

Q Can you speak Choctaw? A No.

The applicant in this case has brown hair and eyes and medium complexion; her cheek bones are a trifle prominent- she has the features and appearance common to a white person; she does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She is not familiar with any of her ancestors farther back than her father and mother.

Q Did you know your grandmother? A No. She died before I was born.

Q Did you know your grandfather? A No.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of Aug 1901.

*R. W. Linebaugh*

Notary Public.

M.C.R. 2893.

Muskogee, Indian Territory, May 16, 1902.

Janie Townley,  
Graham, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William D. Townley, et al., embracing the following applications for identification as Mississippi Choctaws:

William D. Townley, et al.....	M.C.R. 2654
Elizabeth Snider.....	M.C.R. 2655
Mary L. B. Higgins, et al.....	M.C.R. 2892
Janie Townley.....	M.C.R. 2893
William Walter Townley, et al.....	M.C.R. 2894
John M. Snider, et al.....	M.C.R. 2895
George W. Snider, et al.....	M.C.R. 2899
Edward J. Snider.....	M.C.R. 2900.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 498), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and



J. T.

thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William D. Townley, Henry B. Townley, Lillie M. Townley, Sam Townley, Jim Townley, Elizabeth Snider, Mary L. E. Higgins, Benjamin F. Higgins, Jesse P. Higgins, James Frederic Higgins, Thomas Dewey Higgins, Janie Townley, William Walter Townley, Tommy Townley, John M. Snider, Charlie Franklin Snider, Armildia Elizabeth Snider, George W. Snider, Luther Snider, Tommy Snider, Roy Snider, Luemma Snider and Edward J. Snider, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

COP  
M.C.R. 2096

Waskogee, Indian Territory, June 27, 1902.

Janie Townley,

Graham, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of June, 1902, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Townley, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

RECORDED

I. E. Woodlee.

Commissioner in Charge.



No. 2893

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name Jamie Townley

Age 22 Blood 1/16

Post Office, Graham. D. T.

Father: H. D. Townley

Mother: Minerva J. "

Claims through father

~~Children:~~

Claims for herself alone

Stenographer

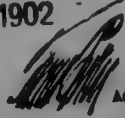
Henry S. Hains

Copy of this testimony this day mailed to Mansfield, McMurray &  
Cornish, May 21, 1904.

2893

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

JUL 7 1902



ACTING CHAIRMAN



Reg # 25  
23

Letter to  
Return to  
Writer

Uncalled for 80



Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7594

Choctaw MCR 2894

William H. Townley

See MCR 2654

MCR 2894

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 9, 1901.

2894

In the matter of the application of William Walter Townley for the identification of himself and his minor child as Mississippi Choctaws, William Walter Townley being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William Walter Townley.  
Q How do you sign your name? A W.W.; I just put down two W's; I reckon William W. Townley.  
Q What is your age? A Twenty eight.  
Q What is your post-office address? A Graham.  
Q Indian territory? A Yes.  
Q How long have you lived at Graham? A About four months.  
Q Where did you live before that? A I have lived in the two territories round and about all my life.  
Q In Oklahoma and the Indian Territory? A No/ just Choctaw and Chickasa.  
Q Were you born in the Indian Territory? A No, in Colorado, my parents went out there and I was born there and I am taught that they brought me here at six months.  
Q And you have lived here ever since? A Yes.  
Q Never have had a home outside of the Territory since? A No.  
Q Always taught your father's name? A William Townley is what I've been always taught.  
Q Is he living? A Yes.  
Q What is your mother's name? A Minerva Jane Townley.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Were your father and mother married? A Yes, I suppose they are.  
Q Have you any evidence of that fact? A No, none that I know of.  
Q It will be necessary for the Commission to be supplied with evidence of your parents' marriage in support of the application you make now.  
A There's my father right there present.  
Q Do you understand that your father's testimony as to his marriage would not be sufficient evidence to establish the marriage? A I don't understand; do you mean that I would have to have more evidence beside my father? Well I don't know of any other outside of my mother and she is not here.  
Q You would have to supply the Commission with evidence of disinterested parties if you cannot furnish court records. A May be my father knows of some.  
Q Are you married? A Yes.  
Q What is your wife's name? A Dovie Townley.  
Q D-o-v-i-e-? A Yes.  
Q Is your wife living? A Yes.  
Q Do you make application in her behalf? A No.  
Q She is a white woman and makes no claim to Indian blood? A She is a white woman; yes.  
Q Have you any children? A Yes, one.  
Q Give the name and age of that child? A Five years old, Tommy Townley.  
Q Tommy? A Yes.  
Q You are the father of this child? A Why I suppose so.  
Q What is the name of its mother? A You mean before I married her?

William W. Townley---2

- Q No when she was your child's mother? A Why Dovie Townley.
- Q When and where were you married to her? A At her home up near a little post-office called Maxwell.
- Q Indian territory? A Yes.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.
- Q Have you your marriage license and certificate and did you desire to offer same in evidence? A I haven't got my license she has got it.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application made on behalf of your minor child. You can file the marriage license or a certified copy with the Commission. And is your name or the name of your child on any of the tribal rolls of the Choctaw nation in Indian territory?
- A No.
- Q Have you ever made application for yourself or your child to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No, not until now.
- Q This is not the Choctaw tribal authorities. A Well, I mean I never have tried to have them enrolled before.
- Q Did you or any one for you or your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A Not that I know of.
- Q Did you ever make such an application? A No.
- Q Did you authorize any one to make one for you? A No.
- Q Have you any reason to think that one was made for you? A Not at present.
- Q Well would you have reason to think that one was made for you? A No.
- Q Have you or your child ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States in Indian Territory? A No.
- Q Have you ever made application prior to this time for yourself or child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application that you have ever made of any description? A Yes.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.
- Q How do you claim the right to identification? A Why from my father.
- Q Because you have always been taught that your father had Choctaw blood? A Yes.
- Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A Why I suppose so.
- Q Well do you know anything about those treaties? A No.
- Q The provision of law giving the Commission power to hear applications for identification as Mississippi Choctaws authorizes it to hear applicants who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians and remove them and exchange their land in the State of Mississippi for land West of the Mississippi River; but the United States found that no treaty could be made with them until some provision was made for those Indians who wanted to stay in Mississippi; so article fourteen was made a part of the treaty for the benefit of those who did not want to come West; article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age and a quarter section to such child as may be under ten years of

William W. Townley--3

age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue? Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could stay in Mississippi and if they went to the Indian agent there within six months after the ratification of the treaty and told him that they didn't want to come West that they wanted to stay in Mississippi and become citizens of the United States, they would receive land there in Mississippi from the Government and would not lose the right of Choctaw citizenship; but if they ever removed they would not be entitled to receive any part of the Choctaw Annuity. Do you make any claim by or under the provisions of that article of the treaty? A I suppose so.

Q Have any of your ancestors ever received or claimed any land as beneficiaries? A No not that I know of.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Do you know what is meant by the word ancestor? A It means my grandparents don't it?

Q Well any of your people back in a direct line. What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe when this treaty was entered into? A I don't hardly understand that.

Q What was the name of your ancestor or ancestors who were Choctaw Indians recognized members as such by the Choctaw tribe and lived in Mississippi in 1830 when this treaty which I have just spoken about to you was ratified? A I have always understood that my great-grandparents was; their names was Elizabeth and Elijah Self.

Q Were both of these great grandparents Choctaw Indians? A I have always been taught that.

Q You have always understood that both of them were Choctaw Indians? A Yes.

Q What was your father's father's name? A John Townley- that would be my grandfather.

Q What was your mother of your father named? A Elizabeth Townley.

Q Which one of your father's parents claimed to be Choctaw Indian? A My grandmother, my father's mother.

Q Elizabeth Townley? A Yes.

Q And what was Elizabeth Townley's name- her father's name I mean? A Elijah Self.

Q And was Elizabeth Townley's mother's name Elizabeth Self? A Yes.

Q And you have always understood that both of these grandparents, great grandparents were Choctaw Indians? A Yes.

Q Have you any evidence that they were Choctaw Indians? A I don't know I suppose so.

Q Did they live in Mississippi in 1830? A I don't know.

Q Do you think that both of them were living in Mississippi in 1830 or either of them? A Why I think they did.

Q Both of them? A Yes.

Q Both your grandmother and your great grandparents? A Yes, I think the three, of them lived in Mississippi in 1830/

Q Have you any evidence that they did? A I think I have I don't know.

Q What kind of evidence would you have? A I don't know.

Q Affidavits or oral testimony or depositions? A I don't know just now

Q Are there any people living who knew your great-grandparents or your grandmother Townley personally who could testify as to whether they were Choctaw Indians and lived in Mississippi in 1830? A Who?



William W. Townley---4

- Q Are there any people living now who knew your great-grandparents Elijah and Elizabeth Townley and your grandmother Elizabeth Townley and could tell whether they were Choctaw Indians and lived in Mississippi in 1830? A I can't say about that.
- Q Do you know if either of these grandparents or your grandmother removed to the Indian Territory from the State of Mississippi when the other Choctaw Indians came West between the years 1833 to 1838? A No, I don't know.
- Q Have you ever heard whether any of them did or not? A I believe I did.
- Q What have you heard about it? A I just think I heard they lived there in the--do you mean my great grandparents or grandparents?
- Q I mean any one of them who claimed to be Indians? A My grandfather and grandmother lived there when Pa was a little boy, but I don't know what age he was--my father.
- Q How old is your father now? A Well, I can't--it would be hard for me to answer about the how old--he is somewhere about sixty five years old; I don't know positive; he is here somewhere though.
- Q Did they come to the Indian Territory? A They came to Texas.
- Q Well, the question I ask you is did they come to the Indian Territory with the other Choctaw Indians? A You ask me if they came West?
- Q I said West with the other Indians from Mississippi in 1833 to 1838? A I don't understand it.
- Q You don't think they came to the Territory then? A Not at that time; I don't know.
- Q Do you know anything about your great grandparents Elijah and Elizabeth Self--whether they came to the Indian Territory or stayed in Mississippi? A Do you mean know positively? A
- Q Yes. A Well, I have always heard that they stayed in Mississippi.
- Q Do you know of any persons living who would be able to testify about that? A I don't know.
- Q Do you know or have you ever heard whether your great grandfather and mother, Elijah and Elizabeth Self, went to the Indian Territory in Mississippi within six months after the treaty was ratified and told him that they didn't want to come West they wanted to stay there and become citizens of the United States? A I don't know.
- Q Is there anybody living who would be able to testify positively on these points? A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q Is there any tradition in your family that they ever did? A No, I don't think they did.
- Q Do you know whether they any of them ever owned any land from the Government under this treaty? A No.
- Q Do you know if any of them ever received any scrip from the Government under this treaty? A No.
- Q Is there any other statement you would like to make in support of your application? A None at present.
- Q Have you any documentary evidence, any affidavits or written evidence of any description that you would like to file at this time? A In regards to my rights here?
- Q Yes. A I aint got none.
- Q Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them part of the record in your case.

Examination by J.E.Arnold.

- Q What is your name? William W. Townley.
- Q Did you hear Mistress Higgins make her application for identification as a Mississippi Choctaw? A Yes.
- Q Did you hear Janie Townley? A Yes.

- Q Make her statement to the Commission here a moments ago? A Yes.  
Q Are you related to them in any way? A Brother.  
Q Brother to Janie Townley and Mrs. Higgins? A Yes.  
Q That is all.

By the Commission:

The applicant in this case has blue eyes and light brown hair and fair complexion; he has the general appearance of a white person.

- Q Can you speak Choctaw? A Some few words.  
Q You just know a few words? A Yes.  
Q Can you carry on a conversation with a Choctaw? A No.  
Q Just know a few words that you picked up from going with Choctaws in the Territory? A Yes.

He does not speak the Choctaw language to carry on a conversation though he states that he knows some Choctaw words. He does not know of any compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

- Q Did you know your grandparents or great grandparents? A No.  
Q Did they die before you were born? A Grandmother did.  
Q Did you ever get to see your grandfather? A No.

He does not personally know any of his ancestors except his father and mother and is not very familiar with his ancestors from family history.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of Aug 1901.

*W. H. Linebaugh*

Notary Public.

M.C.R. 2894

Muskogee, Indian Territory, May 16, 1902.

William Walter Townley,  
Graham, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William D. Townley, et al., embracing the following applications for identification as Mississippi Choctaws:

William D. Townley, et al.....	M.C.R. 2654
Elizabeth Snider.....	M.C.R. 2655
Mary L. E. Higgins, et al.....	M.C.R. 2892
Janie Townley.....	M.C.R. 2893
William Walter Townley, et al.....	M.C.R. 2894
John M. Snider, et al.....	M.C.R. 2895
George W. Snider, et al.....	M.C.R. 2899
Edward J. Snider.....	M.C.R. 2900.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and

W. W. T., 2.

thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William D. Townley, Henry B. Townley, Lillie M. Townley, Sam Townley, Jim Townley, Elizabeth Snider, Mary L. E. Higgins, Benjamin F. Higgins, Jesse P. Higgins, James Frederic Higgins, Thomas Dewey Higgins, Janie Townley, William Walter Townley, Tommy Townley, John M. Snider, Charlie Franklin Snider, Armildia Elizabeth Snider, George W. Snider, Luther Snider, Tommy Snider, Roy Snider, Luemna Snider and Edward J. Snider, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

6  
M.C.P. 2894

Muskogee, Indian Territory, June 27, 1902.

William W. Townley,  
Graham, Indian Territory.

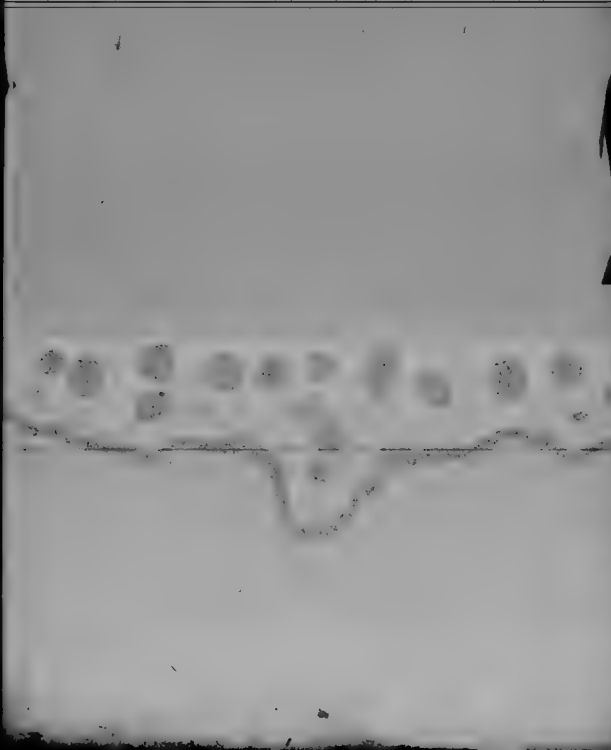
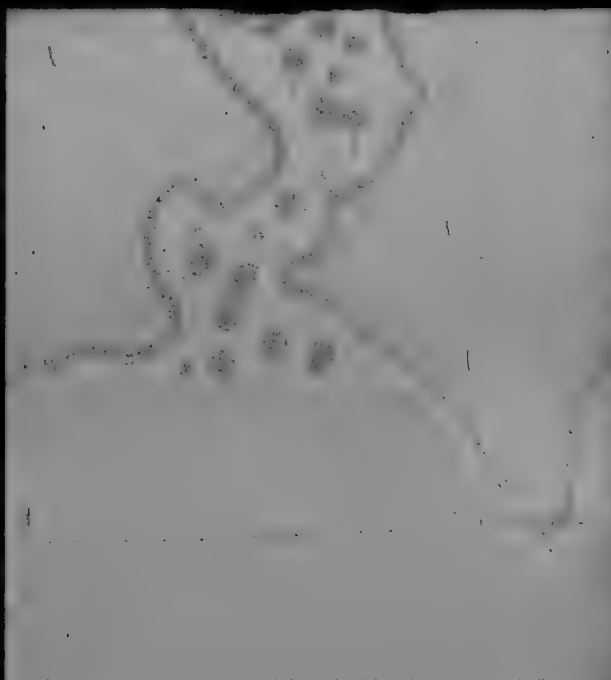
Dear Sir:-

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Townley, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

Commissioner in Charge.

CONFIDENTIAL - SECURITY INFORMATION - INTERNAL SECURITY, COMMUNISM - COUNTRIES  
May 1, 1964.



No. 2514

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name William W. Townley

Age 28

Blood 1/16

Post Office, Graham, D.T.

Father: William Townley ✓

Mother: Minerva J. " ✓

Claims through father

wife: Dovie Townley ✓  
(no claim for her)

Children:

Tommy Townley 5-

Claims for self and  
child

Stenographer

Henry G. Harris



11 2894

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

JUL 7 1902



ACTING CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

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*William Walter Brouley*  
*Return to*  
*Writer*

*Uncalled for one*

Choctaw MCR 2895

John Snider (M.)

See MCR 2654

MCR 2895

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 9, 1901.

2395

In the matter of the application of John M. Snider for the identification of himself and his two minor children as Mississippi Choctaws.  
John M. Snider being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John M. Snider.  
Q What is your age? A Thirty three.  
Q S-n-i-d-e-r? A Yes.  
Q What is your post-office address? A Oakman.  
Q Indian territory? A Yes.  
Q How long have you lived there? A At that post office? About 3 ye ars  
Q Where did you live before that? A I lived in the Territory at dif-  
fernt places.  
Q How long have you lived in the Territory? A About eighteen or twenty  
years.  
Q Where did you live before you lived in the Territory? A In Texas.  
Q How long did you live in Texas? A About twelve or fourteen years  
something like that.  
Q Were you born in Texas? A Yes.  
Q Lived there continuously until you moved to the Territory? A Yes.  
Q And have lived in the Territory ever since? A Yes.  
Q What is your father's name? A A.L.Snider.  
Q Is he living? A Yes.  
Q What is your mother's name? A B.C.Snider.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification  
as a Mississippi Choctaw ever been recognized in any manner or enrolled  
as a member of the Choctaw tribe of Indians by either the Choctaw  
tribal authorities or the authorities of the United States? A Not as I  
know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Mary Ann- Pierce it was--Snider now.  
Q Is she living? A No.  
Q Have you any children for whom you wish to make application now?  
A Yes two.  
Q Give the names and ages. A I have a little boy named Charlee  
Franklin Snider, seven years old; Armildia Elizabeth Snider, five.  
Q How do you spel Armildia? A A-r-m-i-l-d-i-a I reckon.  
Q You are the father of these children? A Yes.  
Q What was the name of their mother? A Mary Ann Snider.  
Q When and where were you married to her? A I don't know the Post-  
office I got a license at Ardmore.  
Q When? A About eight years ago.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official auhorized  
to perform the marriage ceremony? A By miniatser.  
Q Have you your marriage license and certificate and ded you desire  
to offer same in evidence? A I have my license at home.  
Q It will be necessary for the Commission to be supplied with evidence  
of your marriage to your wife in support of the application you make  
in behalf of your minor children Is your name or the names of either  
of your children on any of the tribal rolls of the Choctaw Nation in  
the Indian Territory? A No.  
Q Have you ever made application for yourself or children to the Choc-  
aw tribal authorities in the Indian territory to be enrelled as

John M. Snider---2

members of that tribe? A No.

Q Did you or did any one for you or for your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?

A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Do you know wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim the right to be identified as a Mississippi Choctaw? A I claim it through my mother.

Q You claim because you have always been taught that your grandmother had Choctaw blood? A Yes.

Q Do you make your claim by reason of any of the treaties between the United States and the Choctaw Nation? A I claim by reason of the treaty of fourteen.

Q What do you mean by the fourteenth article? A The fourteenth treaty.

By J.E. Arnold attorney for applicant.

Q Do you know anything about the treaties? A No. I know there was a treaty made in 1814.

By the Commission:

Q The provision of law giving the Commission power to hear applications for identification as Mississippi Choctaws gives it the right to hear applications of persons who claim under the fourteenth article of the treaty of 1830. A The fourteenth article that is what I claim under.

Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi to exchange the lands in Mississippi for lands West of the Mississippi River; but they could not make a treaty with the Indians there until some provision was made for those Indians who didn't want to come West; so article fourteen was made a part of the treaty for the benefit of those Indians who wanted to stay in Mississippi. And after that article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Indians. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that these Indians who didn't want to come West

John M. Snider---3

could stay in Mississippi and receive land there if they went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they didn't want to come West that they wanted to stay there in Mississippi and become citizens of the United States. And in doing this they would not lose the privilege of a Choctaw citizen but if they ever removed were not to be entitled to any portion of the Choctaw annuity. Is that the provisions under which you are making your claim now? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.

Q Do you know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe in 1830 when the treaty was made?

Q My great grandmother's name was Elizabeth Townley and my great-grandfather was Elijah Self.

Q Were they recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did they live in Mississippi in 1830? A I don't know.

Q Is there anybody living who would know about these things? A I don't know.

Q Do you realize that it is very material to your case that you have the evidence of witnesses in regard to these two facts? A I don't know.

Q I am telling you just now that it is a very material fact in your case to have evidence. A Nothing only what I have been told.

Q You don't know anybody living who could testify as to your grandmother and great grandfather? A Yes my uncle and my father.

Q Could they testify on these points? A Yes.

Q How old are they? A My mother is about forty eight and uncle he is about sixty.

Q Did they live in Mississippi in 1830? A No.

Q Do you know of any body who is living now who know your grandmother Elizabeth Townley and your great-grandfather Elijah Self? A No.

Q Elijah Self was the father of Elizabeth Townley? A Yes.

Q Do you know if either Elijah Self or Elizabeth Townley came from the old Choctaw nation in Mississippi and Alabama to the present Indian Territory when the other Indians came here in 1833 to 1838? A I don't

Q Do you know anybody living who would know anything about that? A No.

Q Do you know if either of them went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States? A No.

Q Do you know of anyone living who could testify on this point? A No.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No not as I know of.

Q Do you know whether any of them received any land from the Government under the treaty of 1830? A No.

Q Do you know if any of them ever got any scrip from the Government under the treaty? A No.

Q Do you know of anybody living who would be able to testify on any of these points? A No.

Q Is there anything else you would like to say in support of your application? A No.

Q Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses their depositions or affidavits the Commission will accept the same and make them a part of the records in your case. A No.

This applicant has hair light brown, eyes bluish gray and light mustache, florid complexion; his cheek bones are rather prominent

John M. Snider—4

but his general appearance is that of a white person.

Q Do you talk Choctaw? A No.

Q He does not speak the Choctaw language and knows nothing of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Q Did you know your grandfather or grandmother? A Yes.

Q You knew them personally? A Yes I knew my grandfather but not my grandmother.

Q Do you claim your Choctaw blood through your grandmother? A Yes.

He does not know the ancestors through whom he claims any farther back than his father and does not know very much about his ancestors from family history.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 9, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of Aug 1901.

*R. H. Linebaugh*  
Notary Public.



M.C.R. 2898.

Muskogee, Indian Territory, May 16, 1908.

John M. Snider,

Calumet, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William D. Townley, et al., embracing the following applications for identification as Mississippi Choctaws:

William D. Townley, et al.....	M.C.R. 2654
Elizabeth Snider.....	M.C.R. 2655
Mary L. E. Higgins, et al.....	M.C.R. 2892
Janie Townley.....	M.C.R. 2893
William Walter Townley, et al.....	M.C.R. 2894
John M. Snider, et al.....	M.C.R. 2895
George W. Snider, et al.....	M.C.R. 2896
Edward J. Snider.....	M.C.R. 2900.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stat., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and



J. M. S., 2.

thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William D. Townley, Henry B. Townley, Lillie M. Townley, Sam Townley, Jim Townley, Elizabeth Snider, Mary L. E. Higgins, Benjamin E. Higgins, Jesse P. Higgins, James Frederic Higgins, Thomas Dewey Higgins, Janie Townley, William Walter Townley, Tommy Townley, John M. Snider, Charlie Franklin Snider, Armildia Elizabeth Snider, George W. Snider, Luther Snider, Tommy Snider, Roy Snider, Luemma Snider and Edward J. Snider, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

Miss. Choctaw  
R 2685 and R 2895.

Muskogee, Indian Territory, June 19, 1902.

John W. Snider,  
Kiowa, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 15, in which you state that you are just in receipt of the letter of the Commission notifying you that your application and the application of your mother, Elizabeth Snider, for identification as Mississippi Choctaws have been refused for lack of sufficient evidence and you ask sixty days time in which to introduce further evidence in your case as you say you have witnesses to prove your claim, but were advised by your attorney that the evidence offered was sufficient to establish your claim.

In reply to your letter you are advised that the Commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descended from Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and complied or attempted to comply with the provisions of the fourteenth article of the treaty of September 27, 1830, between the United States and the Choctaw Nation, and whose claims under said fourteenth article of the treaty of 1830 were

J.M.S. 2

favorably adjudicated. There is nothing in the evidence offered in support of these cases to show any compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830, neither does it appear from the records of the government in the possession of the Commission that the ancestor of the applicants complied or attempted to comply with the provisions of the said fourteenth article of the treaty of 1830. The Commission was therefore without authority to identify you and your mother as Mississippi Choctaws, and the name of your Choctaw ancestor not appearing on the records of the government in the possession of the Commission as a beneficiary under the fourteenth article of the treaty of 1830, it is not believed that any evidence which you could introduce would materially affect your claim.

On May 16, 1902, the record in your case was forwarded to the Secretary of the Interior for review, and while the case is with the Department for consideration, the Commission can receive no further evidence in support thereof, or take any action relative to the application. Should the Secretary of the Interior affirm the decision of the Commission in your case you will be advised of the action taken by him.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, June 27, 1902.

John M. Snider,  
Oakman, Indian Territory.

Dear Sir:

~~You are hereby advised that on the 16th day of June,~~  
1902, the Secretary of the Interior affirmed the decision of this  
Commission refusing the applications for identification as Missis-  
sippi Choctaws of the several persons included in the consolidated  
case of William Townley, et al., of which decision you were advised  
by registered mail on the 16th day of May, 1902.

Yours truly,

Commissioner in Charge.

Cop. of this testimony mailed to Mansfield, McMurray & Cornish,  
May 21, 1904.

No.

2895

For Identification as a Mississippi Choctaw.

Date JUL 9- 1901

Name John M. Snider

Age 33

Blood 1/16

Post Office, Okman, D. T.

Father: A. L. Snider

Mother: S. C. Snider

Claims through mother  
wife: Mary Ann Snider (dead)

Children:

Charlie Franklin Snider 7

Armildia Elizabeth " 5

Claims for self and  
2 minor children.

Stenographer

Henry G. Hains

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the identification  
of Frank Johnson, et al., as Mississippi Choctaws, M.C.R. 2896

I N D E X

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 8th, 1901.

In the matter of the application of Frank Johnson for the identification of himself and two minor children, Allen and Lela Johnson, for identification as Mississippi Choctaws.

Ben Williamson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Ben Williamson.
- Q How old are you? A About forty-one.
- Q Are you a full blood Choctaw Indian? A Yes sir.
- Q Where do you live? A In Hickory.
- Q Have you always lived in Mississippi? A Yes.
- Q Do you know Frank Johnson? A Yes sir.
- Q What relation is Frank Johnson to you? A Half brother.
- Q What is your postoffice address? A Hickory, Mississippi.
- Q What is Frank Johnson's post office address? A Hickory.
- Q Do you now make application for the identification of Frank Johnson as a Mississippi Choctaw? A Yes.
- Q And for his two children, Allen and Lela? A Yes sir.
- Q Has ~~xxx~~ he only two children? A Yes.
- Q Why is it that Frank Johnson cannot come here himself? A Rheumatism.
- Q Not able to come? A Yes sir.
- Q Is he very sick? A No sir.
- Q Do you think he will ever get well? A No, I don't think he will. He might, but I don't know.
- Q He would not be able to come here for a long time, would he? A No.
- Q Do you think it is right for you to ask the Commission to hear you now for him because he is so sick? A Yes.
- Q What is Frank Johnson's age? A I don't know exactly. The Indians don't know their age. About thirty I think. Perhaps he is thirty-two; I don't know.
- Q You state his postoffice address is Hickory, Mississippi? A Yes.
- Q What is Frank Johnson's father's name? A Bob Johnson.
- Q Is he living or dead? A Living.
- Q What is Frank Johnson's mother's name? A Nancy.
- Q Is she living? A Yes.
- Q Is Bob Johnson a full blood Choctaw Indian? A Yes sir.
- Q Is Nancy a full blood Choctaw Indian, his mother? A Yes sir.
- Q Is Frank Johnson himself a full blood Choctaw Indian? A Yes sir.
- Q Does Frank Johnson claim his Choctaw blood through both his father and mother? A Yes sir.
- Q Have his parents, for whom you claim for him the right to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as members of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory? What I mean is-did Frank Johnson's father or mother go to the Indian Territory at any time and ask the Choctaw authorities out there to put their names on the rolls? A No.
- Q Is Frank Johnson married? A Yes sir.
- Q Has he got a wife now? A No.
- Q Is she living? A No sir.
- Q Dead? A Yes sir.
- Q What was her name? A His wife's name was Lucy.



Frank Johnson et al---2

- Q Was she a full blood? A Yes sir.  
Q Is she dead? A Dead.  
Q Has he any children living that you want to make application for? A Yes sir, two of them.  
Q Give me the name of the oldest living child? A Allen.  
Q Boy? A Yes sir.  
Q How old is he? A About nine years old.  
Q Give me the name of the next? A Lela.  
Q A girl? A Yes sir.  
Q How old is she? A About ~~seven~~ seven.  
Q Is that all the children your brother has? A Yes sir.  
Q He had one by the name of Lotie; is she dead? A Yes sir.  
Q When did Lotie die? A Little over a year.  
Q She died in 1900? A Yes.  
Q Did she die in the Winter or Spring? A Winter.  
Q What part of the Winter? A Right after Christmas.  
Q In January, 1900? A Yes sir.  
Q You don't know the date? A No, I don't know the date.  
Q Was Lucy the mother of Allen and Lela? A Yes sir.  
Q And your brother, Frank Johnson, was the father? A Yes sir.  
Q Was he married to Lucy under a license or according to Choctaw custom? A Choctaw way.  
Q Is Frank Johnson's name or the name of Allen or Lela on any of the tribal rolls of the Choctaw Nation out in the Territory? Did they go out to the Indian Territory and get their names put on the rolls? A No sir.  
Q Has he ever made application for himself or his children to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of that Tribe? A No sir.  
Q Did Frank Johnson or anyone for him or for his children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? Did they make application to the Dawes Commission for enrollment out in the Indian Territory? A Yes.

The records of the Commission show that in the original application in the case of Jack Amos et al vs the Choctaw Nation, Commissioners No. 5, Central District Court No. 158, filed with the Commission September 10, 1895, praying for the admission to citizenship in the Choctaw Nation of Jack Amos and divers other persons, that the names of Frank Johnson, his wife Lucy Johnson and his two children Allen and Lelia Johnson, are included as plaintiffs. On December 1st, 1896, the records show that the Commission denied this application, from which decision petitioner Jack Amos and others took and appeal first to the United States Court in the Central District of Indian Territory, in which court judgment was affirmed against the plaintiff; from this judgment plaintiff Jack Amos alone prayed for an appeal to the Supreme Court of the United States, whereupon the Supreme Court did on the 25th day of August 1897 affirm the judgment of the court below.

- Q Has Frank Johnson or his children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.  
Q Has Frank Johnson before this time or anyone for him or for his children, or has he for his children, ever made application to either the Choctaw Tribal authorities or to the authorities of the

Frank Johnson et al---3

United States to be admitted or enrolled as citizens of the Choctaw Nation? A Yes sir, two years ago.

Q Where did he appear two years ago? A Decatur.

The records of the Commission show that the applicant in this case is the identical Frank Johnson who appeared before the Commission at Decatur, Mississippi, February 7th, 1899, and made application for the identification of himself and his three children, Island, Lela and Lote as Mississippi Choctaws, their names appearing on Mississippi Choctaw Card Field No. 443. Their names also appear on the schedule annexed to the report of March 10, 1899, to the Secretary of the Interior, of the Commission to the Five Civilized Tribes, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, on page 95, being numbers 1600, 1601, 1602 and 1603, thereon, respectively.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for your half brother Frank Johnson and his two children Allen and Lela? A Yes sir.

Q Do you claim this right for him and for these children as beneficiaries under the provisions of article 14 of the treaty of 1830? That is the treaty that was made between the United States Government and the Choctaw Tribe of Indians. That treaty was made between the Government and the Choctaw Nation for the purpose of having the Choctaws go to the Indian Territory; some went and some did not go and those who did not go claimed rights under article 14 of the treaty and they were obliged under article 14 to go to the United States Indian Agent, Col. Ward, and tell him that they wanted to stay in Mississippi, did not want to go to the Territory, that they wanted land in Mississippi and wanted to become citizens of the United States. Now, do you claim your brother's right to identification as a Mississippi Choctaw and for his children under that article? A Yes sir.

Q You understand that, don't you, as I have explained it to you?

A Yes sir.

Q Has your brother or any of your ancestors ever received any benefits as Choctaw Indians, land or money from the Government? A No, I don't know.

Q Can you give me the name of any of your brother's ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and who were recognized members of the Choctaw Tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was ratified between the United States and the Choctaw Indians? Can you tell his father's name? A Bob Johnson.

Q What was his mother's name? A Nancy.

Q Do you know the name of Bob Johnson's father or mother? A No sir.

Q Do you know Nancy's father's or mother's names? A I don't know.

Q Did any of Frank Johnson's ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.

Q Did any of Frank Johnson's ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi, Col. Ward, that they intended to stay in Mississippi and become citizens of the United States? A I don't know about that.

Q Did any of Frank Johnson's ancestors ever claim or receive any land in Mississippi from the United States Government under article 14 of the treaty of 1830? Did they ever get any land? A I don't

Frank Johnson et al---4

know about that.

Q Does Frank Johnson speak English? A Don't speak much.

Q Do his children, Allen and Lela talk English? A ~~X~~ No sir.

Q They speak Choctaw? A Yes sir.

Q And your brother talks Choctaw? A Yes sir.

Q Is there anything more you want to say about this application of Frank Johnson's? A No sir, I reckon not.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any proper papers showing that any of the ancestors of Frank Johnson were recognized members of the Choctaw Tribe of Indians in 1830, when the Treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? Have you any papers you want to give me? A Yes sir.

There is presented to the Commission the power of attorney signed by Frank Johnson in which his half brother Ben Williamson is made, constituted and appointed his agent to make this application for identification as Mississippi Choctaws for Frank Johnson, his son Allen and his daughter Lela, presented by Ben Williamson, showing his authority to make this application; received, filed, and made a part of the records in this case, as authority under which he has the right to act.

Q Do you want time in which to offer any other evidence in support of this application which you make for your half-brother, Frank Johnson, and his children? A Yes sir.

Thirty days time from the date hereof is allowed Ben Williamson on behalf of his half-brother, Frank Johnson, in which to file documentary or other evidence in support of this application.

Frank Johnson did not appear in person before the Commission, his application having been presented by his half brother Ben Williamson. Ben Williamson has the appearance and all of the characteristics of a full blood Choctaw Indian and claims that his brother has Choctaw ancestry on both his father's and mother's side; that he does not speak English but speaks the Choctaw language.

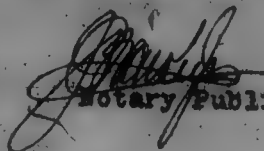
The decision of the Commission as to your application for the identification of Frank Johnson and his two minor children as Mississippi Choctaws, will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you at your postoffice address as given in your testimony at this time, that is-a copy of such decision will be mailed to Frank Johnson to his postoffice address.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in ~~it~~

Frank Johnson et al---5

full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 8th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 21st day of July, 1901,  
at Meridian, Mississippi.

  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

سبب  
In the matter of the application for the identification  
of Frank Johnson, et al., as Mississippi Choctaws, M.C.R. 2896.

-----D E C I S I O N -----

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on July 8, 1901, by Ben Williamson for his half-brother, Frank  
Johnson, and his two minor children, Allen and Lela Johnson, under  
the following provision of the Act of Congress approved June 28,  
1898 (30 Stats. 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the applicants are full blood Mississippi Choctaw  
Indians.

Section forty-one of the Act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

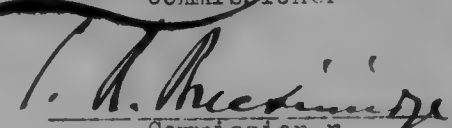
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Frank Johnson, Allen Johnson and Lela Johnson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

M.C.E. 2896

Muskogee, Indian Territory, February 21, 1903.

Pansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Frank Johnson, and minor children, Allen Johnson and Lela Johnson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Frank Johnson and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tame Dixby.*

Acting Chairman.

Registered.

Enc. H.G. 13



M.C.R. 2896.

Muskogee, Indian Territory, March 11, 1903.

Frank Johnson,  
Hickory, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your two minor children, Allen and Lela Johnson, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tanis  
Chairman.

Registered.

Enc. 2896.



2896

Power of Attorney

of  
Frank Johnson

to

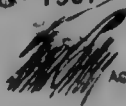
Ben Williamson

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 8 1901



ACTING CHAIRMAN

2896

State of Mississippi Newton County  
Power of attorney

Know all Men by these presents  
That I Frank Johnson a full blood  
Mississippi Choctaw being desirous of having  
My name and that of My Minor Children  
enrolled with the Dawes Commission now  
in session in the City of Meridian Miss  
and being totally unable on account of  
Rheumatism to walk, and continually confined  
to my bed, not thereby being able to appear  
before said Commission in person. I hereby  
make constitute & appoint My half brother  
Ben Williamson a full blood Choctaw Indian,  
My legal attorney to appear before said Com-  
mission and have My name & that of My two  
Minor Children properly enrolled so that I  
can secure any benefits arising therefrom

In witness whereof I hereunto affix my hand  
& seal. This 1st day of June 1906

Witness my hand and seal this 1st day of June 1906  
to me, ~~Ben Williamson~~ Frank Johnson he signed  
the above power of attorney for me & all that  
I have

The State of Miss.

Newton County {

6

Personally appeared

before me Leroy Beane a Justice of  
the Peace of said County, Frank

Johnson who acknowledged  
that <sup>he</sup> signed & delivered the foregoing  
Power atty. of his own free will and  
~~accord on the day and date above~~  
written.

Given under my hand

this the 5<sup>th</sup> day of July, 1907

Leroy Beane  
J.P.

A 1098

No

For Identification as a Mississippi Choctaw.

JUL 8 1907

Date

Ben Williamson, 4144.

Name appears for FRANK JOHNSON.

Age (F. J.) 32 Blood (F. J.) full

Post Office, Nicksong, Miss.

Father: Bob. Johnson - (F. J.)

Mother: Nancy " (F. J.)

Claims through both parents  
wife

~~Louie~~ Lucy, F. J. - d

See M.C. Card filed No. 443

Children: ~~Allen~~ (boy) 9

Lela (que) 7

have  
For ~~and~~ brother  
Frank Johnson  
and Frank John-  
son's 2 children

Stenographer J. J. Niles

*Frank Olmson et al*

*HC 11*

DECISION RENDERED

*ELL 21 1903*

ELL 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2897

Christian Alderman

MCR 2897

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the Matter of the Application of Christian Alderman  
for Identification as a Mississippi Choctaw.

M. C. R. 2897.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application of Christian Alderman  
for Identification as a Mississippi Choctaw.

M. C. R. 2897.

- - I N D E X . - -

Original application of Christian Alderman for identification as a Mississippi Choctaw .....	1
Decision of the Commission identifying said applicant .....	5



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 8th, 1901.

In the matter of the application of Christian Alderman  
for the identification of herself as a Mississippi Choctaw.

Said Christian Alderman, being first duly sworn through  
Sworn Choctaw Interpreter Isham Johnston, testified as follows:-

Examination by the Commission.

- Q What is your name? A Christian Alderman.  
Q What is your age? A Twenty-five.  
Q What is your postoffice address? A Cushtusa, Mississippi,  
Neshoba County.  
Q How long have you lived in Neshoba County? A All life.  
Q What is your father's name? A John Alderman.  
Q Is he living or dead? A Dead.  
Q What is your mother's name? A Sealy Alderman.  
Q Is she living or dead? A Dead.  
Q Was your father a full blood Choctaw Indian? A Yes.  
Q Was your mother a full blood Choctaw Indian? A Yes.  
Q Do you claim to be a full blood Choctaw Indian through both your  
father and mother? A Yes.  
Q Where did your father die? A Arkansas.  
Q Did your father ever go out to the Indian Territory? A Yes.  
Q Do you know whether he died in Arkansas or in the Indian Terri-  
tory? A Don't know.  
Q When did he go to the Territory? A About 12 years ago.  
Q Have your parents, through whom you claim your right to identifica-  
tion as a Mississippi Choctaw ever been recognized in any manner or  
enrolled as members of the Choctaw Tribe of Indians by the Choctaw  
Tribal authorities or the United States authorities in Indian Ter-  
ritory? Did they ever go to the Indian Territory and get enrolled  
out there? A Don't know.  
Q You don't know whether your father was enrolled as a Choctaw  
Indian when he was in the Territory, do you? A Don't know.  
Q Are you married? A No.  
Q Do you make application just for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A Don't know.  
Q Have you ever made application to the Choctaw Tribal authorities  
in the Indian Territory to be enrolled as a member of that Tribe?  
A No.  
Q Did you or anyone for you in the year 1896 under the Act of  
Congress of June 10, 1896, make application for citizenship in the  
Choctaw Nation to the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by either the Choctaw Tribal authorities, the Commission to the Five  
Civilized Tribes or by the United States Court in Indian Territory?  
A No.  
Q Have you ever made application before this time to either the  
Choctaw Tribal authorities or the United States authorities for  
citizenship in the Choctaw Nation? A Yes, two years ago.  
Q Where did you appear? A Philadelphia.

1 The records in the possession of the Commission show  
that Thompson Gunnatombay appeared before the Commission  
at Philadelphia, Mississippi, January 31, 1899, and there

Christian Alderman---2

made application for the identification of himself, his wife Sealy and ward Christian Alderman as Mississippi Choctaws, their names appearing on Mississippi Choctaw Card Field No. 272. Their names also appear on page 70 of the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior, of March 10, 1899, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, the roll numbers prefixed to their names being 927, 928 and 929 respectively.

Q Do you now make application for identification as a Mississippi Choctaw? A Yes.

Q Do you claim your right as a beneficiary under article 14 of the treaty of 1830? A Yes.

Q Do you understand article 14 of the treaty of 1830? A No.

I will explain it to you (the interpreter) and you tell her.

I will explain it to you in few words and very simply language. The treaty of 1830 was an agreement made between the Choctaw Nation in Mississippi and Alabama and the United States Government. Its purpose was the removal of the Choctaw Indians in Mississippi and Alabama from those two States into the Indian Territory; the Choctaw Nation is now located in the Indian Territory. A great many Indians went and a great many refused to go. A great many before they signed that treaty said they would not go, that they would not sign the treaty unless some provision was made for them, and, so, article 14 - an article is a part of a treaty - article 14 of the treaty of 1830 was inserted and put into the treaty and it provided that those Indians who did not wish to go to the Territory could stay in Mississippi and they must do these things: they must go to the United States Indian Agent, Col. Ward, living in Mississippi at that time, go to his office and tell him that they did not want to go to the Territory, they wanted to stay in Mississippi, that they wanted land in Mississippi, that they wanted to live on that land and they wanted to tell him then and there that they wanted to become citizens of the United States. All this, article 14 provided they should do within six months after the ratification of the treaty. If they did that, then if they afterwards wanted to go to the Territory, they could do so and have all the rights of Choctaw citizenship with the other Indians who had gone before but they could not have the annuities.

(To the Interpreter) Explain that to her.

Q Have any of your ancestors, grandfather, grandmother, great-grandfather or great-grandmother, or your father or mother, ever done these things which I have explained and which are inserted in article 14 of the treaty of 1830? I don't know.

Q Do you understand that? A Yes sir, I understand.

Q Have you or your ancestors ever received any benefits as Choctaw Indians, any land or money from the Government? A Don't know.

Christian Alderman---3

Q Can you give me the name or names of any of your ancestors who lived in Mississippi in 1830 and who were recognized members of the Choctaw Tribe of Indians at that time, your grandfather, grandmother great-grandfather or great-grandmother? A Don't know.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians when they went between the years 1833 and 1838? A Don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 ~~tell~~ tell Col. Ward, the United States Indian Agent of the Choctaw Indians in Mississippi at that time, that they intended to stay in Mississippi and become citizens of the United States? A Don't know.

Q Have any of your ancestors ever received or claimed any land in Mississippi under article 14 of the treaty of 1830? A Don't know

Q Do you speak English? A No.

Q Do you speak Choctaw all the time? A Yes sir.

Q Is there anything further you want to say about this claim?

A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers, showing that any of your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi in 1830, when the treaty of Dancing Rabbit Creek was made, that they ever complied or attempted to comply with the provisions of the 14th article of that treaty or ever received any benefits thereunder? Have you any papers? A No.

Thirty days time from the date hereof is allowed this applicant, in which to file documentary or other evidence in support of her application.

This applicant appears to be a full blood Choctaw Indian. She does not speak the English language, her examination having been conducted throughout by means of a sworn Choctaw Interpreter. She has no knowledge of any compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and report of the same made to the Secretary of the Interior conformable to the provisions of the 21st section of the Act of Congress of June 28, 1898. A copy of such decision will be mailed to you to your postoffice address as given in your testimony at this time.

-----  
Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 8th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Christian Alderman---

Subscribed and sworn to before me this the 31st day of July, 1901,  
at Meridian, Mississippi.

  
Notary Public.

Identified Mississippi  
Choctaw Roll No. 1055.

Identified Mississippi  
Choctaw card NO. 363.

Department of the Interior  
Commission to the Five Civilized Tribes  
Chickasaw Land Office  
Tishomingo, I. T.  
May 16, 1903.

In the matter of the proof of settlement within the Choctaw Chickasaw country, of Christian Alderman, a duly identified Mississippi Choctaw, identified as such by the Commission to the Five Civilized Tribes on February 14, 1903.

Christian Alderman, being first duly sworn, testified through Peter Maytubby, a duly sworn interpreter, as follows:

Examination by the Commission:

- Q What is your name? A Christian Alderman.  
Q How old are you? A Twenty six.  
Q Are you a citizen by blood of the Choctaw Nation?  
A Yes sir.  
Q Full blood? A Yes, sir.  
Q What is the name of your father? A John Alderman.  
Q Is he living or dead? A Dead.  
Q What is the name of your mother? A Sealy Alderman.  
Q Is she living or dead? A Dead.  
Q Are you the identical Christian Alderman who was identified as a Mississippi Choctaw by this Commission on February fourteen, 1903? A Yes.  
Q Where did you live in Mississippi? A Neshoba County.  
Q What was your post office address? A Gushtusa.  
Q When did you first apply to the Commission? A When they were at Meridian.  
Q Have you got any brothers or sisters? A Yes, I have some but they are not here.  
Q What are their names? A One is named Ala; her sister's named Ala.  
Q Has she got any brothers named Alderman? A Her sister is Alderman, she says her brother hasn't got the same name; has a different father.  
Q Has she any brother named Christian? A No, that's her name herself.  
Q The person identified by the Commission as a Mississippi Choctaw Indian under the name of Christian Alderman is given as a male; is that a mistake; is she the one referred to?  
A She says she's the one herself and that she told them and they put it down as it is here.  
Q When did you come from Mississippi to the Choctaw-Chickasaw Country? A About three months ago.

Christian Alderman---2

- Q Where did you settle in this country? A Four miles this side of Ardmore.
- Q Do you intend to make that your permanent home? A No sir; she's not intending to live there; she's going to live some other place.
- Q Where do you intend to make your permanent home? A This side of Ardmore, ten miles, named Wilson.
- Q Did you, when you left Mississippi and came to the Indian Territory, bring all your personal effects with you?
- A She says she sold off all what she had and came to this country.
- Q You intend to remain in this country and make this your permanent home? A Yes, sir.
- Q What will be your permanent post office address? A Wilson.

---Q---

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings on the 18th day of May 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 19th day of May 1903.

*J. R. Rodgers*

Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Copy.*

In the Matter of the Application of Christian Alderman  
for Identification as a Mississippi Choctaw .

M. C. R. 2897.

- - D E C I S I O N . - -

It appears from the record herein that application for the identification as a Mississippi Choctaw was made to this Commission on July 8, 1901, by Christian Alderman, for himself, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi



Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Christian Alderman should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903



COPY

M.C.R. 2897.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Christian Alderman as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Christian Alderman as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tame Bixby.*

Registered.

Enc. W.C.B. 12.

Acting Chairman.

COPY.

M.C.R. 2897

Muskogee, Indian Territory, March 11, 1903

Christian Alderman,  
Cushtuta, Mississippi.

*Remailed. Wilson. I T. June 2. 1903.*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Pishomingo, Chick saw Nation.

Respectfully,

Chairman.

Registered.

Enc. 2897

COMMISSIONERS  
JAMES BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. E. STANLEY

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.C.R. 2897

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1903

Christian Alderman,  
Gushtusa, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 2897

9-1374  
MCR-2897

Muskogee, Indian Territory, May 18, 1903.

Christian Alderman,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 13th, in which you state that you are a full blood Mississippi Choctaw, and were identified February 14th, 1903. That you have your number and want to file on your land; but that a part of the land which you desire to select in allotment is claimed by Frank Finis Fox, and his father, F.M. Fox. And you wish to be informed if they are members of the Choctaw or Chickasaw tribes.

In reply to your letter you are informed that Franklin Marion Fox has been listed by this Commission as a citizen by intermarriage of the Chickasaw Nation, but his final right to such enrollment has not yet been determined.

You are further informed that Frank M. Fox has been enrolled by this Commission as a citizen by blood of the Chickasaw Nation, and on April 13th, 1903, his enrollment was approved

Christian Alderman---2

by the Secretary of the Interior.

If you desire to select in allotment land referred to in your letter, you will be permitted to make application therefor, upon personal appearance at the land office for the nation in which the same is located.

Respectfully,

Chairman.

MCA 2897

Muskogee, Indian Territory, May 27, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation, in lead pencil, has this day been made upon the face of Mississippi Choctaw Identified card No. 363:

"No. 1 is a female; see testimony taken at Chickasaw Land Office, May 18, 1903."

You are requested to make like notation upon the duplicate card in your possession.

Respectfully,

Commissioner in Charge.

MAR 28 1903

Muskogee, Indian Territory, May 27, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notations have  
this day been made upon Mississippi Choctaw card No. 363:

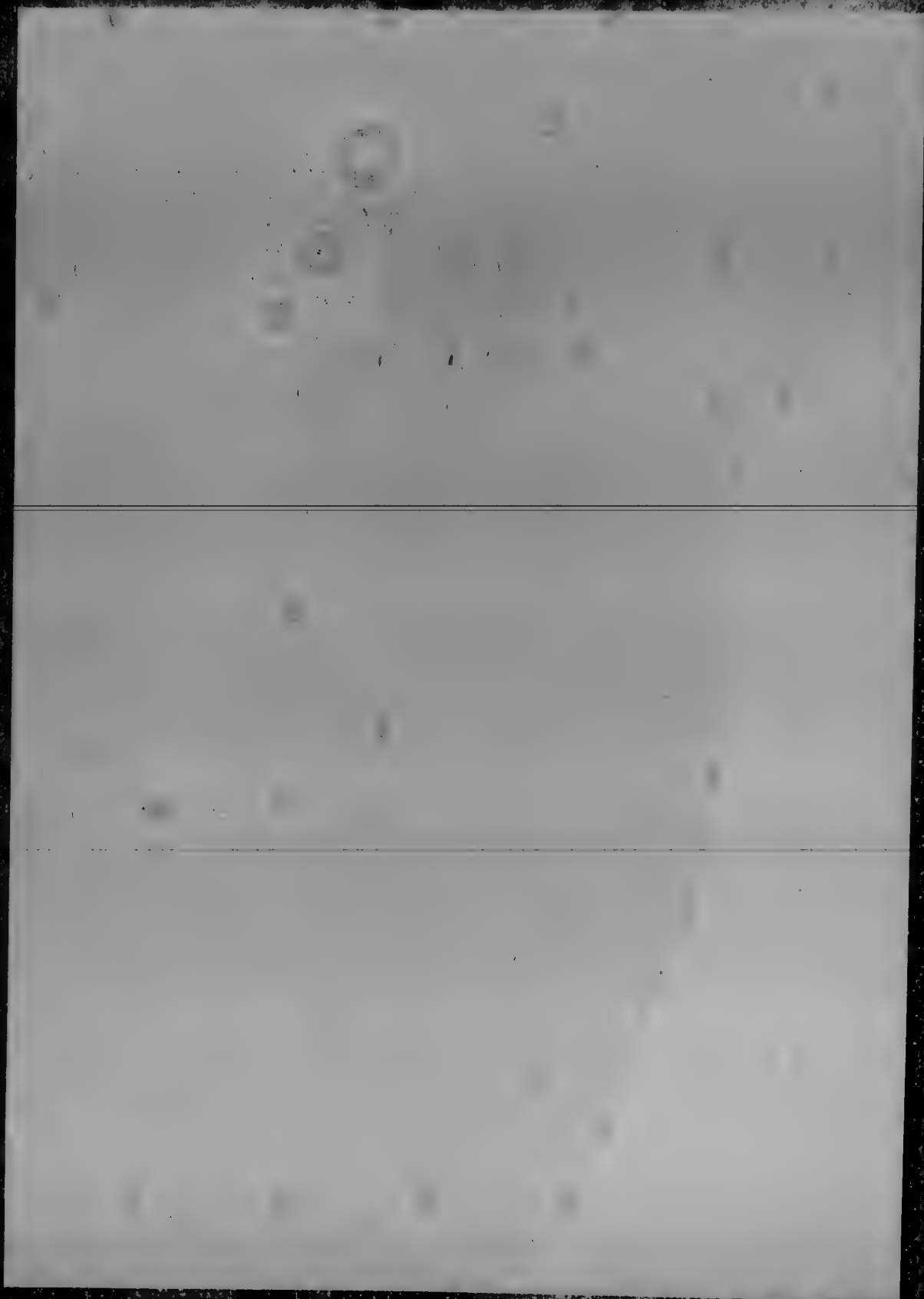
SETTLEMENT ADDRESS: "Wilson, Ind. Ter."

DATE OF PROOF OF SETTLEMENT: "May 18, 1903."

You are requested to make like notations upon the dupli-  
cate card in your possession in accordance with the above informa-  
tion.

Respectfully,

Commissioner in Charge.





RECORDED  
INDEXED  
JUL 14 1903

Department of the Interior.

Commission to the Five Civilized Tribes.

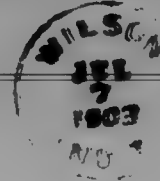
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MUSKOGEE, IND. TER.  
JAN 3 1903

REGISTERED



(Reg 115)

Christian Alderman

Hilson

#1099

No.

For Identification as a Mississippi Choctaw.

Date

Name *Christian Alderman*<sup>a</sup>

Age 25 - Blood

*full*

Post Office, *Kustuchia*

*Cushtusa, Miss*

Father: *John Alderman, d.*

Mother: *Sealy* *(f. b.) d.*

Claims through

*both parents.*

*See M. C. Card  
filed No. 272.*

(Children)

*For self alone.*

Stenographer

*L. A. Miles*

*Christi*

FEB

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 2898

J. Dale Adams

MCR 2898

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2898

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw.

J. Dale Adams being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A J. Dale Adams.  
Q D-a-l-e? A Yes.  
Q What is your age? A Twenty three.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived there? A About two months, one month I would say.  
Q Where did you live before that? A Do you want the full details?  
Q Did you live in Texas? A Yes.  
Q How long have you lived in Texas? A Raised there.  
Q Were you born there? A Yes.  
Q Never had a residence anywhere else? A No.  
Q What is your father's name? A Jacob J. Adams.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah M. Adams.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A my mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes. No.  
Q Making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of United States Court in Indian Territory? A No.  
Q Have you ever prior to this time made application to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q Is this the first application you have ever made of any description? A Yes.  
Q Do you now wish to make application for identification as Mississippi Choctaw? A Yes.  
Q How do you claim the right now to be identified as a Mississippi Choctaw? A Under the treaty of 1830 article fourteen.  
Q Do you understand the provisions of that article of that treaty? A Well I don't know, I have an idea.  
Q State your understanding of that article of that treaty. A The treaty was drafted for bringing the Mississippi Choctaws West of the River and those that wanted to remain a provision was made for those who remained in Mississippi.  
Q And that provision was made in the 14th article you think? A Yes.

Q The United States could not get any treaty with the Indians until some provision was made for those Indians who didn't want to come West; so article fourteen was made a part of the treaty for the benefit of those who wanted to remain in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall ~~issue~~ include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who wanted to stay in Mississippi could stay and not lose the privilege or rights of Choctaw citizenship if they went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States; the article further provided that if they removed they were not to receive any portion of the Choctaw annuity. This is the provision under which you are making your claim is it? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What is the name of your ancestor or ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw tribe in 1830 when this treaty was made? A Elizabeth Smith was her maiden name; she married a Blakeley.

Q Did she live in Mississippi in 1830? A Yes. I think so I don't know positively.

Q Was she a recognized member of the Choctaw tribe at that time? A I can't say positively.

Q Is there any one living who would be able to testify on these points?

A Not that I know of at present.

Q You understand that evidence on these points is very material to your case? A Yes.

Q Did Elizabeth Blakeley come West with the other Choctaw Indians to the present Indian Territory from the old Choctaw Nation from 1833 to 1838? A I think not.

Q If she did not come West did she within six months after the ratification of the treaty of 1830 go to the United States Indian agent there and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A Not that I know of.

Q Is there any one living who could testify on these points? A I don't know of them at present, but I think there is.

Q You think you could get their evidence? A I will try to get them.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of them ever own any land which they received from the Government under the treaty of 1830? A Not that I know of.

Q Did any of them ever own any scrip from the Government under the treaty? A I don't know for certain.

Q Did you ever hear anything about it in your home, any family tradition? A No.

Q You have no records or patents? A No.

Q Is there anything further you would like to say in support of your

J. Dale Adams---3

application? A I want to prove I am the mother of Sarah M. Adams-- the son I should say.

Q Would you like to offer her testimony in your case? A Well, I could get my aunt.

Q Well, would you like both? A Yes.

Sarah M. Adams being called and sworn as a witness in this case testified as follows on behalf of applicant:

Q What is your name? A Sarah M. Adams.

Q What is your age? A Fifty three.

Q What is your post-office address? A Colorado City, Texas.

Q Are you acquainted with the applicant, J. Dale Adams here? A Yes.

Q How long have you known him? A All his life.

Q What relation is he to you, if any? A My son.

Q He gets his Choctaw blood through you? A Yes.

Q And you get yours through your mother? A Yes.

Q And your mother through her mother? A Yes.

Q Your son gets his blood through you and you get yours through your mother Elizabeth Williamson and Mary Williamson gets hers through her Mary

mother, Elizabeth Blakeley who was Elizabeth Smith? A Yes.

Q Then Elizabeth Smith is the great-grandmother of your son? A Yes.

Q Do you know whether Elizabeth Smith was a recognized member of the Choctaw tribe of Indians in 1830? A I don't know that she was; I have heard, been told that she was a half Choctaw.

Q And did she live in Mississippi in 1830? A Yes; that is from family history; I can't say that I know it.

Q Do you know of any one who could testify on this? A I think so.

Q Who are they? A They are not present; they are very old people.

Q Do you think you could get their testimony? A I think so; I don't know about living there in 1830 but she died there and she was an old settler at the time of her death.

Q You are acquainted with your grandmother? A Yes I was.

Q You were acquainted with her at the time of her death? A Yes.

Q Where did she die? A In Newton County, Mississippi.

Q You don't know whether she went to the United States Indian agent there and told him within six months after the treaty was ratified that she wanted to stay and become a citizen of the United States? A I don't.

Q You know that she always lived in Mississippi? A As far as I know; my mother was born and raised there.

To applicant: Q Is there anything more you would like to have brought out through your mother? A No.

Witness excused.

Temple McAllister being called and sworn as a witness in this case testified as follows on behalf of applicant:

Q What is your name? A Temple McAllister.

Q What is your age? A Forty nine.

Q What is your post-office address? A Waco, Texas.

Q Are you acquainted with the applicant, J. Dale Adams? A Yes.

Q What relation is he to you, if any? A My nephew.

Q What is his mother's name? A Sarah M. Adams.

Q What is his father's name? A Jacob J. Adams.

Q Through which one of his parents did he get his Choctaw blood? A Through his mother.

Q You knew his mother? A Yes.

Q Are you related to his mother or his father? A His mother is my sister.

Q You and his mother get your Choctaw blood through the same common ancestor? A Yes through my mother and grandmother.



J. Dale Adams---4

- Q What was your mother's name? A Mary Williamson  
Q And you and your sister get your Choctaw blood through her? A Yes.  
Q And she got her Choctaw blood through her mother? A Yes.  
Q What was the name? A Elizabeth Blakeley.  
Q Did you know her, Elizabeth Blakeley? A No, not personally; I have seen her but I don't remember; she died when I was a very small child.

Witness excused.

To applicant:

- Q Did you know your grandmother? A No.  
Q What was her name? A Mary Williamson.  
Q You never saw her to remember her? A Not to remember her; I have been told that I have seen her.  
Q Did you know your grandmother Williamson's husband? A Not that I know of- I may have seen him but I can't say for certain.  
Q Can you speak Choctaw? A No.  
Q Can your mother speak Choctaw? A I have been told that she used to speak it a little.

Mrs Adams recalled:

- Q Do you speak Choctaw? A Some.  
Q You know a few words of it? A Yes.  
Q You say you lived among the Choctaw Indians? A Raised there until I was sixteen years old.

Witness excused.

To applicant:

- Q You say you think you know of some witnesses who could testify as to whether your great-grandmother, Elizabeth Blakeley, lived in Mississippi in 1830 and as to whether she was Choctaw Indian? A I hear that there are a few persons can testify as to that.  
Q Can they testify as to whether she went to the Indian agent there within six months after the ratification of the treaty and told him that they wanted to stay there and become a citizen of the States? A I don't know.  
Q Should you desire to offer any further evidence either the oral testimony of witnesses their depositions or affidavits, the Commission will accept the same and make them a part of the record in your case; so you think you could get the depositions of these witnesses? A I think so but I would rather have their oral testimony if I could get it.  
Q It would be better to get the oral testimony.

The applicant in this case has brown eyes and light brown hair and moderately dark complexion; but he has the features and general appearance of a white man. He does not speak the Choctaw language and does not know any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. He does not know his ancestors farther back than his mother and father personally but it appears from his testimony that family history shows that the ancestor through whom he claims lived and died in Mississippi.

Henry G. Mains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in the said cause on the said date of July

1901.

Henry G. Hains

Subscribed and sworn to before me this 5 day of Aug 1901.

R. W. Linbaugh  
Notary Public.

8

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas B. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

~~Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2904.~~

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, IT. July 10, 1901. M.C.R. 2898.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859

In the matter of the application of Arcada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Gary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2889.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856.

2----

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2854.

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:-

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Boggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know then; he says he knows those old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Authur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Temple McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they don't live old enough, he don't know them.

Q Ask him if he knows Areada DuBose, Thomas J. DuBose and William Cary Dubese? A "I might know something about these older people but these younger people I don't know anything about.

Q Ask him if he knows William B. Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws? A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of India here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation A Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place.

Q Ask him where he lived before he came here to the Choctaw Nation?  
 A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Nek-o-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830." he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Plakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?

A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw Name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived in near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetgum Grove or Fork.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

- Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am think of it"; he says that sometimes he can remember any name but then when he forgets then he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A We don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, besides to ride did but those who didn't didn't go.
- Q Ask him if he saw Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A He she never told him.
- Q Ask him if he knows the name of any of her children? A He don't know the name.
- Q Ask him if he knew Elizabeth Smith there in Mississippia to the time she most of them left Mississippia? A Yes.
- Q And did she still stay in Mississippia after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippia? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got up land there in Mississippia from the government? A He says he don't know; he thinks that all those who stayed want to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippia, sent down there by the United States to find out the ones of the Indians had gone to Ward and registered their name? A He says that was after he left Mississippia.
- (To a client.)
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's ~~husband~~ husband now? A He says that Elizabeth Smith's husband was a white man and that there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say a while ago that it was Pickoley? A He says he forgot it.
- Q Well, ask him if he remembers that Pickoley is right? A Yes that's the name; he remembers now that that is the name.
- (To a client.)
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness excused)

Henry G. Haine being duly sworn on his oath states that he subscribed to the declaration to the Civilized Tribes as reported in full the above testimony on July 11, 1901, and that the above declaration is true, true and correct transcript of his statement as made in a full and complete manner.

Henry G. Haine

Subscribed and sworn to before me this 17 day of August, 1901.

R. W. Hinebaugh  
Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2890.

In the matter of the application of Mattie Foraythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Meliona Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1488.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2898.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Verlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2896.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2899.

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In the matter of the application of Arcade Buffone et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2882.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2883.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2884.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2884.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2885.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3130.

In the matter of the application of Joseph K. Bond et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Lawrence I. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3134.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3137.

In the matter of the application of Eura F. Willey for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, she hath testified as follows:

-Examination by the Commission-



- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Mason.
- Q Where? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well, my grandmother carried a Mississippian Choctaw and my grandfather had a daughter, who was my mother. She married a man by the name of Wiley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was her mother who married a Wiley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in the Indian Territory? A Yes, as I was little.
- Q Did you live in the Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Weston County, Missouri.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in the Indian Territory, I was before.
- Q Were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? In Mississippi, in Weston County.
- Q Are you an applicant for identification as a Mississippian Choctaw? A Yes.
- Q Do you want to make an application for identification as a Mississippian Choctaw? A No, just for my children and grandchildren.
- Q You want to live your testimony here in the case of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakey, Mattie Ford, the, Valina Ford, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Verlin C. Adams, J. Lyle Adams, Tarpin W. Allister, Albert Edward Boyd, Arcene DeBono, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Simpson, Joseph V. Boyd, Lawrence L. Boyd, William B. Walker, Nora B. Wiley and John Owens? A Yes.
- Q Are you related to them? A Yes--they are my son, William L. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My grandfather was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born in the year 1830 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1830 you can count it.
- Q About how old were you? A (By Attorney; was it before the war) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Landing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blackley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1830, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blackley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Elizabeth Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether the did or not. The Cheetaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Cheetaw? A Yes and I could almost as good as they could.
- Q You can speak Cheetaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --- What was their names please? -- Their names or mine?
- Q No, their, -- Give me the names of your brother's and sisters? A John, Fannie, Nancy, Mary, Willie and William Blakley and my name comes in their, Elizabeth--now have you got Rhoda Blakley, now the next after Rhoda? A Russell, Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathers Blakley and Sarah Ann Blakley.

Witness excused.

Gulda Jane Harrington being called as a witness, testified as follows, being first duly sworn:

- Q What is your name? A Harrington H.J.
- Q What does that H. stand for? A It stands for Gulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Will County.
- Q What is your post office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the War broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A Yes, In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A That is a nationalistic question.
- Q Yes? A Well I hardly know what you want.
- Q Are you a white woman? A I don't know for sure.
- Q You don't make any claim to Indian blood? A I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Bailey, Willie L. Bailey, Melissa Boyd, Thomas E. Boyd, Arthur A. Boyd, Olive Boyd, Sarah M. Adams, Berlin G. Adams, J. Dale Adams, George A. Allister, Albert Edward Boyd, Anna E. Boyd, Gerald Boyd, J. B. Williamson, Margie Adams, William Thomas, Maria Johnson, Joseph M. Boyd, Lawrence E. Boyd, William L. Bailey, Sarah M. Bailey, and John Owens? A Yes.
- Q How many of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one?
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q How? State as well as you can how? A Mary Sarah and Temple are sisters and Vera Bailey is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are all related to each other.
- Q All of them come originally from the same ancestors? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Unknown.
- Q What was his name? A Unknown.
- Q What these people who have called on you for identification as Mississippi Choctaws are the children and grandchildren and great-grandchildren of that ancestor? A Yes.
- Q Is she a Choctaw Indian? A Well the woman has that or she acted like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did or not but they was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1830 and 1846? A I don't remember, I just don't recollect any certain time or what date it was to say a life.
- Q You think you were about fifteen when you saw the Indian? A Yes.
- Q How old were you when she was about twenty-seven? A Yes.
- Q After you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have come to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Bailey or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

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- Q Do you know whether Elizabeth Bradley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Talle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Bradley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around there and lived? A Yes I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Do you remember where Elizabeth Bradley died? A Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complexioned, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant of an Elizabeth Bradley? A Yes.  
Q You know the whole family, ever since you went to Mississippi and every branch of it that can find that common origin? A Yes I did.

Witness Excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*

Notary Public.

## COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2398

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

J. Dale Adams,

Colorado City, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou



Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Curlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.



COPY.

M.C.R. 2398.

Muskogee, Indian Territory, July 13, 1903.

J. Dale Adams,

Colorado City, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Neccles.*

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 2898

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

J. Dale Adams,

Colorado City, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

W. O. Beall

Acting Commissioner.

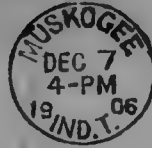
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Commissioner to the



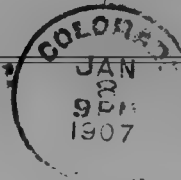
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



RETURN TO WRITER



*Address*  
**UNKNOWN.**

J. Dale Adams,

Colorado City, Texas.

No. 2848

For Identification as a Mississippi Choctaw.

Date, JUL 10 1901

Name

J. Dale Adams

Age

23

Blood

1/6

Post Office,

Colorado City, Texas

Father:

Jacob J. Adams

Mother:

Sarah M. Adams

Claims through

mother

~~Children:~~

Claims for himself alone.

Stenographer

Henry G. Hains

IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. R. 28

*John Thomas*

RECOMMENDED BY THE BUREAU OF INDIAN AFFAIRS  
ACTION APPROVED BY THE SECRETARY OF INTERIOR

Choctaw MCR 2899

George W. Snider

See MCR 2654

MCR 2899

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2899

In the matter of the application of George W. Snider for the identification of himself and his four minor children as Mississippi Choctaws.

George W. Snider being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George W. Snider.  
Q S-n-i-d-e-r? A Yes.  
Q What is your age? A Thirty one.  
Q What is your post-office address? A Holdenville.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A About seven years.  
Q Where did you live before that? A I lived in the Indian Territory.  
Q How long have you lived in the Territory? A About 19 or 20 years.  
Q Where did you live before you came to the Territory? A Texas.  
Q How long did you live in Texas? A Lived in Texas 12 or 13 years.  
Q Were you born in Texas? A Yes.  
Q What is your father's name? A A.L. Snider.  
Q Is he living? A Yes.  
Q What is your mother's name? A S.E. Snider.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Addie Snider.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q She is a white woman and makes no claim to Indian blood? A Yes.  
Q Have you any children in your family for whom you want to make application at this time? A Yes I have four.  
Q Give the names and ages. A Luther, seven; Tommy, five; Roy, two and Luemma one year.  
Q L-u-e-m-m-a? A Yes.  
Q Is that a girl? A Yes.  
Q These are all your children? A Yes.  
Q What is the name of their mother? A Addie Snider.  
Q When and where were you married to Addie Snider? A Holdenton, Chickasaw.  
Q When? A About eight years ago.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or--? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No, I haven't got any.  
Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your minor children.  
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.  
Q Have you ever made application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of the Choctaw tribe? A No.



George W. Snider--2

Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled, yourself or these children, as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make your claim now for identification as a Mississippi Choctaw? A Through my mother.

Q What so you claim through your mother? A Well she has always taught me that I was.

Q Were what? A Choctaw.

Q You are making your claim now because you have always been taught that your mother had Choctaw blood? A Yes.

Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q Well under what treaty? A Fourteenth article of the treaty of 1830.

Q Do you understand the provisions of that article of that treaty? A No, I don't know that I do.

Q In 1830 the State of Mississippi was filling up with white settlers and the United States found it very hard to protect the Choctaw Indians in their tribal government and therefore tried to make a treaty with the Indians to exchange their land in Mississippi for lands West of the Mississippi River, but could not get any treaty until some provision was made for those Choctaw Indians who didn't want to come West; so article fourteen was made a part of the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen of the treaty provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could stay in Mississippi and get land there from the United States if they went to the Indian agent to the Choctaw Indians there in the State of Mississippi within six months after this treaty was ratified and told him that they wanted to stay in the State of Mississippi and become citizens of the United States; and by doing this they were not to lose the privilege or right of Choctaw citizenship but if they removed were not to receive any part of the Choctaw annuity. Is this the provision under which you are claiming at this time? A Yes.

George W. Snider---3

- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.
- Q Do you know what is meant by the word ancestor? A Its my grand-father or grandmother.
- Q Or your great grandfather or great-grandmother--? A Yes.
- Q What is the name of your ancestor or ancestor who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was made between the United States and the Choctaw Indians? A Elijah Self, my great-grandfather and Elizabeth Self my great-grandmother.
- Q Elijah and Elizabeth Self were husband and wife then? A That's what I have been taught.
- Q Were they both Choctaw Indians? A I can't tell you.
- Q Which one claimed to be Choctaw? A I can't--yes, noth of them I believe.
- Q What was your mother's name? A Lizzie Snider.
- Q You gave it a few moments ago as S.E. Snider- are they the same? A yes.
- Q Through which one of your mother's parents did she get her Choctaw blood? A Her mother.
- Q What was her name? A Elizabeth Townley.
- Q Is that her married name? A Yes.
- Q What was her maiden name? A Elizabeth Self.
- Q And what was Elizabeth Townley's father's name? A Elijah Self.
- Q And what was her mother's name? A Elizabeth Self.
- Q They were both Choctaw Indians you say? A I think so.
- Q Did they live in Mississippi in 1830? A I don't know.
- Q Is there anybody living who could testify about that? A Not unless it is my uncle.
- Q Was your uncle living in 1830? A No; no one that I know of.
- Q Would your uncle know anything at all about whether they were in Mississippi in 1830? A Yes I suppose he would.
- Q Well, do you want to offer his evidence? A Yes if it is necessary.
- Q It is very important to your case that you should have some evidence about these ancestors-whether they lived in Mississippi in 1830 and if they were Choctaw Indians. What is that uncles name? A William Townley.
- Q Is he the witness who was on the stand here yesterday? A Yes.
- Q And testified in your cousin's case? A Yes.
- Q Well, he testified that he didn't know personally anything about these things? A Well, he was the only one that I knew of who would know.
- Q Do you know whether Elijah Self and Elizabeth Self were recognized members of the Choctaw tribe of Indians in 1830? A Nothing more than what my mother told me.
- Q Do you know your grandmother, Elizabeth Townley? A No never saw her.
- Q Do you know whether Elijah Self and Elizabeth Self removed from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory between 1833 to 1838 when the other Choctaw Indians came out? A No.
- Q Is there anybody who would know about that? A NO/
- Q Do you know if they did not remove whether they went to the Indian agent there to the Choctaws in Mississippi and told him that they did not want to come West but wanted to stay in Mississippi and become citizens of the United States? A No.
- Q Do you know of anybody who would know about that? A No.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A A I don't know.

Q Did you never hear anything about it in the family? A No.  
Q Did any of your ancestors ever own any land from the Government under this treaty of 1830? A Not that I know of.  
Q Did any of them ever get any scrip? A Not that I have ever heard of.

Q Do you know what scrip is? A Yes, I suppose so.

Q After this treaty of 1830 was ratified and they began to make ~~paper~~ preparation to bring the Indians West to this country it was found that a great many of them who claimed the right to land there in Mississippi under this fourteenth article of the treaty of 1830 had not been listed on the roll made by the Indian agent there and acts of Congress were passed appointing Commissioners to take the matter up. These Commissioners looked into these claims and passed on them and it was found in some cases that the Indians were entitled to land there in Mississippi but the land was occupied by somebody else there and scrip was given these parties for land in Arkansas, Louisiana, or public land there in some other State near Mississippi; that's why I asked you if they ever got any scrip? A No, not that I know of.

Q Is there anything else you would like to say in support of your application at this time? A Not at present.

Q Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits you will be permitted to do so and the same will be made a part of the record in your case. Can you speak Choctaw? A NO.

The applicant in this case has hazel eyes and straight brown hair and mustache and moderately dark complexion. His nose is prominent and his cheek bones a trifle high, but his general appearance resembles that of a white person. He does not speak the Choctaw language and he knows nothing of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830 and is not familiar with his ancestors farther back than his father and mother. He is not very familiar with his ancestors from family history.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of August, 1901.

*R. W. Lenebaugh*

Notary Public.

M.C.R. 2899.

Muskogee, Indian Territory, May 16, 1902.

George W. Snider,  
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William D. Townley, et al., embracing the following applications for identification as Mississippi Choctaws:

William D. Townley, et al.....	M.C.R. 2654
Elizabeth Snider.....	M.C.R. 2655
Mary L. E. Higgins, et al.....	M.C.R. 2892
Janie Townley.....	M.C.R. 2893
William Walter Townley, et al.....	M.C.R. 2894
John M. Snider, et al.....	M.C.R. 2895
George W. Snider, et al.....	M.C.R. 2899
Edward J. Snider.....	M.C.R. 2900.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and

C. V. S., 2.

thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William D. Townley, Henry B. Townley, Lillie M. Townley, Sam Townley, Jim Townley, Elizabeth Snider, Mary L. E. Higgins, Benjamin E. Higgins, Jesse P. Higgins, James Frederic Higgins, Thomas Dewey Higgins, Janie Townley, William Walter Townley, Tommy Townley, John M. Snider, Charlie Franklin Snider, Armildia Elizabeth Snider, George W. Snider, Luther Snider, Tommy Snider, Roy Snider, Luemma Snider and Edward J. Snider, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 2899

Muskogee, Indian Territory, June 27, 1902.

George W. Snider,  
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of June,

1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Townley, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

Commissioner in Charge.

On the 10th of May 1861, the ship "Hesperus" left

San Francisco.

No.

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name George H. Snider

Age 31 Blood 1/6

Post Office, Holdenville, I.T.

Father: A. L. Snider ✓

Mother: J. E. Snider ✓

Claims through mother

wife: <sup>Aggie</sup> ~~Felicia~~ Snider ✓  
(no claim for her)

Children:

Luther Snider 7

Tommy " 5

Roy " 2

Lutenna .. F 1

Claims for self and 4  
children

Stenographer

Henry G. Hains.



Choctaw MCR 2900

Edward J. Snider

See MCR 2654.

MCR 2900

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2900

In the matter of the application of Edward J. Snider for identification as a Mississippi Choctaw.

Edward J. Snider being called and sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Edward J. Snider.  
Q What is your age? A I am 29 past  
Q What is your post-office address? A Holdenville I.T.  
Q How long have you lived there? A I believe it has been seven years.  
Q Where did you live before? A In Indian Territory.  
Q How long have you lived in the Indian Territory? A I guess it has been 18 or 20 years.  
Q Where did you live before you lived in the Indian Territory? A Texas.  
Q How long did you live in Texas? A About twelve years.  
Q Were you born in Texas? A Yes.  
Q And lived there continuously until you moved to the Territory? A Yes.  
Q And have not had a home outside of the Territory since you came here? A No.  
Q What is your father's name? A A.L. Snider.  
Q Is he living? A Yes.  
Q What is your mother's name? A S.E. Snider  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A ~~Yes~~ No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the ~~United States~~ Choctaw Nation? A No.  
Q Is this the first application of any description you have ever made? A Yes.  
Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to identification as a Mississippi Choctaw? A Through my mother.

Q What do you claim through your mother? A I claim that she was Choctaw.

Q You are making claim now are you because you have always been taught that your mother had Choctaw blood? A Yes.

Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What treaty? A Under the treaty of 1830 article fourteen.

Q Do you understand the provisions of that article of that treaty? A No not particularly.

Q In 1830 the United States wanted to remove the Choctaw Indians and make a treaty with them exchanging their land there in Mississippi for lands West of the Mississippi River so that the State of Mississippi could be opened up for white settlement; but the United States could not make any treaty with them until a provision was made for those who didn't want to come West with the other Indians; so article fourteen was made a part of the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of arable land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who wanted to stay in Mississippi could stay and they were not to lose the rights of Choctaw citizenship if they went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States; but the article further provided that if they ever removed were not to receive any part of the Choctaw annuity. Do you claim now under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q Do you know what is meant by the word ancestor? A It means my grand mother or father or great grandparents.

Q Yes; one of your forefathers back in a direct line. A Yes.

Q Well, what was the name of your ancestor or ancestors who lived in the old Choctaw nation in Mississippi and Alabama in 1830 and were acknowledged member of the Choctaw tribe when this treaty was made? A Elijah Self was my great grandfather.

Q Did he claim to be Choctaw Indian? A Yes I have been taught that he did.

Q Was he a Choctaw Indian? A I don't know I never seen him.

Q What relation was he to you? A Great grandfather.

Q You claim your Choctaw blood through your mother? A Yes.

Q And your mother's name was S.E. Snider? A Yes.

Q What was her mother's name? A Elizabeth Townley.

Q What was your mother's father's name? A John Townley.

Q Which one of your mother's parents were Choctaw Indians? A My mother.

Q And what was Elizabeth Townley's father's name? A Elijah Self; and her mother's name was Elizabeth Self.

Q Which one of Elizabeth Townley's parents were Choctaw Indians?  
A Her father, I don't know about her mother.  
Q Her father was Choctaw Indian? A Yes.  
Q Have you any evidence that Elijah Self was a Choctaw Indian?  
A No, I have no evidence.  
Q Is there anybody living who would know about that? A I don't know.  
Q Did he, Elijah Self, live in Mississippi in 1830? A I think he did;  
I have been taught he did.  
Q Do you know anything about it personally? A No.  
Q Is there anybody living who could testify about it personally? A I  
don't know that there is.  
Q Do you realize that it is a very material point in your case to have  
evidence as to whether your great grandfather under whom you claim  
was Choctaw Indian and lived in Mississippi in 1830? A Yes.  
Q Did Elijah Self come West with the other Choctaw Indians from the  
State of Mississippi to the present Indian Territory between 1833 to  
1838? A I don't know.  
Q Did you ever hear? A No, its my understanding that he stayed there  
in Mississippi.  
Q Do you know if he went to the Indian agent there in Mississippi  
within six months after the ratification of the treaty and told him that  
he wanted to stay in Mississippi and become a citizen of the United  
States? A I don't know.  
Q Is there anybody living who would be able to testify on these  
points? A I don't know of anybody.  
Q Do you realize that that is a very material fact in your case? A Yes  
Q Did any of your ancestors ever claim or receive any land in Miss-  
issippi as beneficiaries under the provisions of the fourteenth article  
of the treaty of 1830? A I can't say for I don't know positively.  
Q Did any of them ever own any land from the Government under the  
treaty of 1830? A I don't know.  
Q Did any of them ever get any scrip from the Government? A Not  
that I know of.  
Q Did you ever hear anything about it in your family? A No.  
Q Have you any records or patents or deeds to show anything about  
that? A No.  
Q Is there anything else you would like to say at this time in support  
of your application? A No.  
Q Can you speak Choctaw? A No.  
Q Could your mother speak Choctaw? A No.  
Q Have you any papers you want to file now, affidavits or documentary  
evidence of any kind? A No.  
Q Should you desire to offer any further evidence in support of your  
case, either the oral testimony of witnesses their depositions or af-  
fidavits, the Commission will accept the same and make them a part of  
the records in your case. A I would like to be allowed the privilege  
if I could get evidence sufficient.  
Q Well it has been granted you.

The applicant in this case has brown eyes and light brown hair;  
his nose is prominent and his cheek bones slightly so but his features  
and general appearance are that of a white person. He cannot speak the  
Choctaw language and knows of no compliance on the part of his ancestors  
with the provisions of the fourteenth article of the treaty of 1830.

Q Did you ever know your grandmother? A No.  
Q You never saw her? A No.  
Q You claim your Choctaw blood through your mother and her mother?  
A Yes.

He does not know anything of his ancestors farther back than his  
father and mother and knows very little of his ancestors from family  
history.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Harry J. Harris

Subscribed and sworn to before me this 5 day of August, 1901.

R. W. Lindebaugh  
Notary Public

M.C.R. 2900.

Muskogee, Indian Territory, May 16, 1902.

Edward J. Snider,

Heldenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William D. Townley, et al., embracing the following applications for identification as Mississippi Choctaws:

William D. Townley, et al.....	M.C.R. 2654
Elizabeth Snider.....	M.C.R. 2655
Mary L. E. Higgins, et al.....	M.C.R. 2892
Janie Townley.....	M.C.R. 2893
William Walter Townley, et al.....	M.C.R. 2894
John M. Snider, et al.....	M.C.R. 2895
George W. Snider, et al.....	M.C.R. 2899
Edward J. Snider.....	M.C.R. 2900.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 26, 1898, (30 Stat., 496), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty



E. J. S. 2.

and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William D. Townley, Henry B. Townley, Lillie M. Townley, Sam Townley, Jim Townley, Elizabeth Snider, Mary L. E. Higgins, Benjamin F. Higgins, Jesse P. Higgins, James Frederic Higgins, Thomas Dewey Higgins, Janie Townley, William Walter Townley, Tommy Townley, John M. Snider, Charlie Franklin Snider, Armildia Elizabeth Snider, George W. Snider, Luther Snider, Tommy Snider, Roy Snider, Luenna Snider and Edward J. Snider, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 2900

Muskogee, Indian Territory, June 27, 1902.

Edward J. Snider,  
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Townley, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

*T. B. Medico.*

Commissioner in Charge.



1. WITH MAY 21  
COMMISSION TO THE GOVERNMENT OF THE UNITED STATES

Cop. of this testimony this day called to Mansfield, California, to  
Cornish, May 21, 1904.

No. 23100

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name Edward J. Snider

Age 29 Blood 1/6

Post Office, Holdenville, Q. 7

Father: A. L. Snider

Mother: D. E. Snider

Claims through mother

~~Children:~~

Claims for himself only.

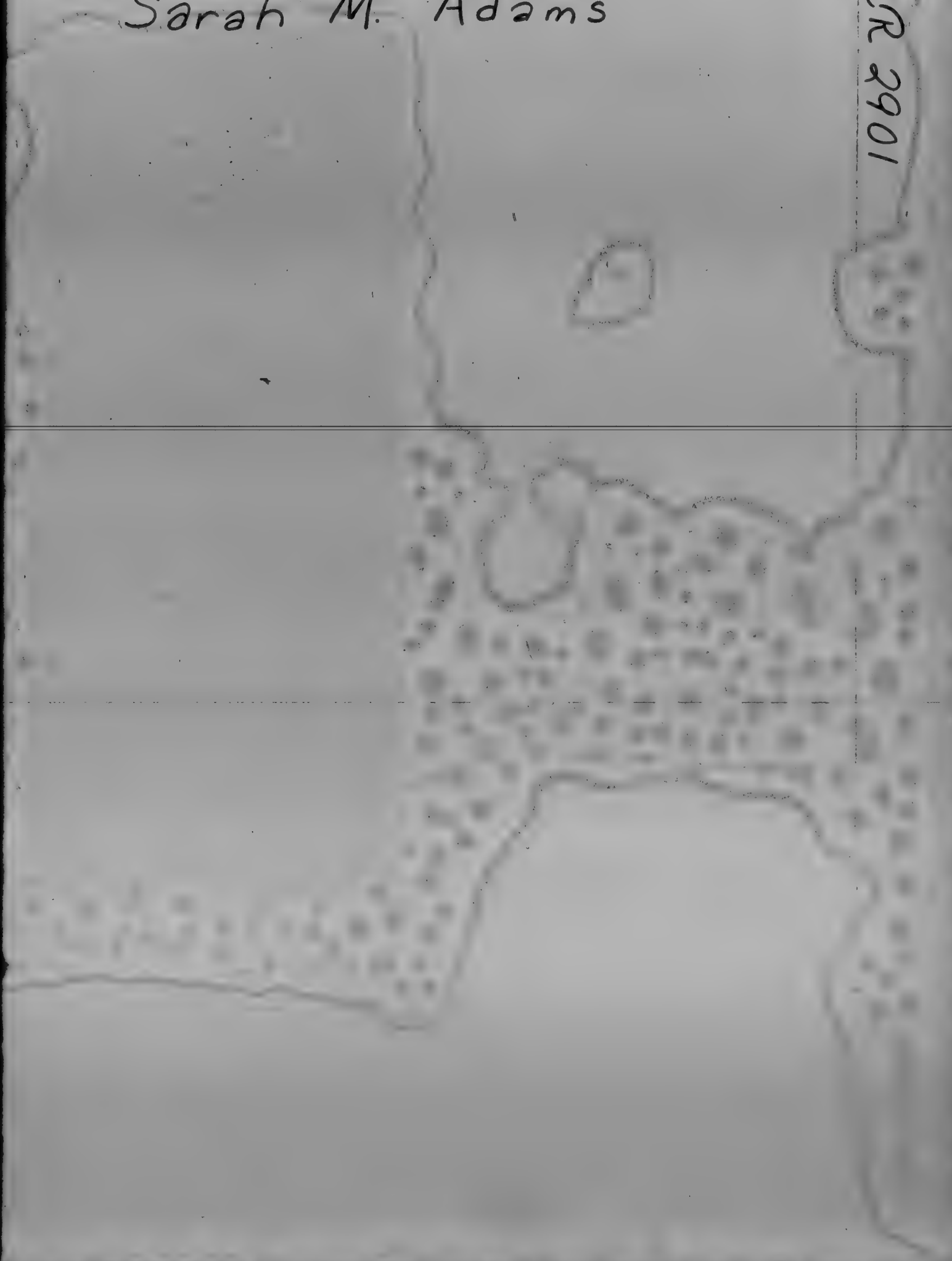
Stenographer

Henry L. Harris

Choctaw MCR 2901

Sarah M. Adams

MCR 2901



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2901.

In the matter of the application of Sarah M. Adams for the identification of herself and her minor child as Mississippi Choctaws. Sarah M. Adams being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty two.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived there? A A month or so.  
Q Where did you live before that? A Well, I lived nearly two years in Nolan County and before that I lived in Navarro County.  
Q How long have you lived in Texas? A About thirty five years.  
Q Where did you live before you lived in Texas? A Mississippi.  
Q How long did you live in Mississippi? A I was sixteen when I left Mississippi.  
Q Were you born in Mississippi? A Yes.  
Q And lived there until you were about 16 or 17? A Yes.  
Q Where did you go to from Mississippi? A To Texas.  
Q And have lived in Texas continuously ever since? A Yes.  
Q What is your father's name? A Joseph J. Williamson.  
Q Is he living? A No.  
Q What is your mother's name? A Mary Williamson.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No, not that I know of.  
Q Are you married? A Yes.  
Q What is your husband's name? A Jacob J. Adams.  
Q Is she living? A Yes.  
Q Do you make any application on behalf of your husband? A No.  
Q He is a white man and makes no claim to Indian blood? A None at all.  
Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A One.  
Q Give the name and age. A W. Lynn Adams, he is 20 years of age.  
Q L-y-n-n? A Yes.  
Q You are the mother of this child? A Yes.  
Q And what is the name of its father? A Jacob J. Adams.  
Q When and where were you married to Jacob J. Adams? A In freestone County, Texas.  
Q When? A In 1873.  
Q Is your name or is the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I have no knowledge of it.  
Q Have you ever made application for yourself or child to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of the tribe? A No.  
Q Did you or did any one for you or for your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever prior to this time made application for yourself or your child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw tribe? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q You now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to identification as a Mississippi Choctaw? A Under the Act of 1830 the treaty of 1830, yes and the 14th article.

Q Do you understand the provisions of that article of that treaty? A I think I do.

Q Please state your understanding of it.

A Well, the United States wanted to make a treaty with the Choctaw Indians and they could not accomplish that without making some provision with those that wished to stay and therefore article fourteen was brought in to the treaty for the benefit of those who wished to remain in Mississippi.

Q Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This is the provision under which you are claiming now? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was entered into between the United States and the Choctaw Indians? A I am told that my grandmother lived there and the Choctaws knew her to be half Choctaw; my mother of course was 11 years old when the treaty was made.

Q Have you any evidence that your grandmother was Choctaw Indian? A Well we are trying to get that now, living witnesses, we will have to get depositions on account of their age.

Q You think you can get some in person before the Commission? A Yes, we will try to get two very old Choctaws to make a statement to that effect.

Q Did these witnesses know that your grandmother lived in Mississippi in 1830? A We think they did.

Q Did you know your grandmother? A I have a slight remembrance of her.

Q Did you know her when she died? A I have a dim recollection of her.

Q Where did she die? A In Newton County, Mississippi.

Q Were you living in Mississippi at that time and do you remember? A Yes, slightly; of course I was small but I remember her distinctly.

Q Do you know whether she ever came West with the other Choctaw Indians between 1833 to 1838? A Not that I have any knowledge of.

Q You say that she died in Mississippi? A Yes.

Q Did she within six months after the ratification of the treaty of 1830 go to the United States Indian agent there in Mississippi and tell him that she intended to stay there and remain and become a citizen of the United States? A I don't know.

Q Will these witnesses of whom you spoke be able to testify on that point? A I don't know what they can testify to.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of them ever own any land from the Government under the treaty of 1830? A Not that I know of.

Q Did any of them ever get any scrip--? A Not that I know of.

Q Is there any further statement you would like to make at this time? A No.

Q Can you speak Choctaw? A Some; I used to could speak it better than I can now.

Q Could you carry on a conversation with the Choctaws? A I could when I was a child.

Q But you have been away from the Choctaws for a good while? A 36 years.

Q And you would like to offer the further evidence of these witnesses of whom you spoke? A Yes and depositions of some very old white people that lived in Texas now.

Q Should you desire to offer further evidence in support of your claim either the oral testimony of witnesses or depositions or affidavits you will be permitted to do so and the Commission will accept them and make them a part of the record in your case.

Q You have no witnesses that you would like to put on now? A No.

The applicant in this case has gray eyes or hazel, and hair which originally seems to have been black but is now streaked with gray. She has rather high cheek bones and dark complexion and may possibly have some slight traces of Indian blood. She states that she cannot speak Choctaw only a little. Although from her testimony it appears that her grandmother died in the State of Mississippi she has no knowledge of any compliance of any of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She has slight remembrance of her grandmother and states that she died in Mississippi.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of August, 1901.

*R. H. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

In the matter of the application of Sarah W. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2901.

In the matter of the application of Merlin G. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas R. Ross, et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2898.

In the matter of the application of Temple McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859.

In the matter of the application of Arsada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Gary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2859.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856.



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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2854.

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:-

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Nika-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Peggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Herlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas P. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they don't live old enough, he don't know them.

Q Ask him if he knows Areada Dubose, Thomas J. Dubose and William Cary Dubose? A "I might know something about these older people but these younger people I don't know anything about.

Q Ask him if he knows William D Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?

A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of India here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation A Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place.



Q Ask him where he lived before he came here to the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Huk-o-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830. He was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?  
A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw name? A He says there was some white missionaries come there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English names they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived in near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetgum Grove or York.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian Agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

- Q Ask him if Elizabeth Smith was married at the time ~~for~~ the making of this treaty? A Says she had married a white man and had children.
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am think of it"; he says that sometimes he can remember any name but then when he forgets then he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.
- Q Ask him if he was Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.
- Q Ask him if he knows the names of any of her children? A He don't know the names.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time she most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? A He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.  
(To applicant)
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's ~~husband~~ husband now? A He says that Elizabeth Smith's husband was a white man and that there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say a while ago that it was Blakeley? A He say he forgot it.
- Q Well, ~~ask~~ ask him if he remembers that Blakeley is right? A Yes - that's the name; he remembers now that that is the name.  
(To applicant.)
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.  
(Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. Hinebaugh*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10th, 1901, M.C. 2922.

In the matter of the application of J. Dale Adams for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2857.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

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In the matter of the application of Arcada DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Waller for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Nora E. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

#3

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in the Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DuBose, Oral Boyd, William B. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

#4

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? (By Attorney; was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q When you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the Treaty was made between the United States and the Choctaw Indians called the Treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Pickley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.
- Q By the Commission.
- Q Do you know whether Elizabeth Pickley, one West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.



#5

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by ~~the~~ Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you give me the names of the other children or theirs? -- What was their names, please? A Their names or mines? Q No Their -- Give me the names of your brothers and sisters? A John Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, ~~John~~ Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington H. J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go to from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well, I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora M. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one.
- Q All of these people are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q We I state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Are you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was her first name? A Elizabeth.
- Q When these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q Were associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1830 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q When you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.



#7  
Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Do you remember where Elizabeth Blakley died? A Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A She was a dark haired and dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.  
Q You knew the whole family, ever since you went to Mississippi and ever branch ~~back~~ of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sanger*

Notary Public.

Muskogee, Indian Territory, November 1, 1901.

J. E. Arnold,  
Attorney at Law,  
Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, in which you ask to be supplied with copies of the statements made by Sallie Adams and Tempt McAlester at the time they appeared for identification as Mississippi Choctaws; also copies of the testimony of Elizabeth Williamson, Huddy Barrington and Willis Walker, witnesses in the Sallie Adams, Tempt McAlester and John Blakey cases.

In reply to your letter you are advised that it appears from our records that Sarah N. Adams, Tempie McAllister, and other members of their immediate families have applied for identification as Mississippi Choctaws, but copies of the testimony in these cases have already been supplied to the attorney of record for these applicants, and there are no extra copies in the files. It will not be possible, therefore, to comply with your request.

Yours truly,

*MCR 2901*

*File with Sarah N. Adams*

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

M.C.R. 2901

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Sarah M. Adams,

Colorado City, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY.

K.C.R. 2901.

Muskogee, Indian Territory, July 13, 1903.

Sarah M. Adams,

Colorado Cit., Texas.

Dear Madam:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 2901

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

Sarah M. Adams,  
Colorado City, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

DEPARTMENT OF  
Commissioner to the

RECEIVED

Comm





Department of the Interior.

Commissioner to the Five Civilized Tribes,

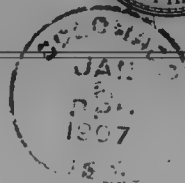
MUSKOGEE, IND. TER.

RETURN TO WRITER

*Address*

~~Sarah M. Adams,~~

~~Colorado City, Texas.~~



For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name Sarah M. Adams

Age 52 Blood 1/8

Post Office, Colorado City, Texas

Father: Joseph J. Williamson

Mother: Mary Williamson (dead)

Claims through mother

Husband: Jacob J. Adams  
(No claim for him)

Children:

H. Lynn Adams 20

Claims for self and one  
child

Stenographer

Henry G. Hains

Choctaw MCR 2902

Merlin C. Adams

MCR 2902

Department of the Interior  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2902

In the matter of the application of Merlin C. Adams for the identification of himself and his minor child as Mississippi Choctaws. Merlin C. Adams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Merlin C. Adams.  
Q What is your age? A Twenty six.  
Q How do you spell your name? A M-e-r-l-i-n C. Adams.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived there? A Two months.  
Q Where did you live before you lived there? A In Nolan County, Tex.  
Q How long have you lived in Texas? A Twenty six years.  
Q Were you born in Texas? A Yes.  
Q And never had a residence outside of the State? A No.  
Q What is your father's name? A Jacob J. Adams  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah M. Adams.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Bettie G. Adams  
Q Is she living? A Yes.  
Q Do you make application on her behalf? A No.  
Q She is a white woman and makes no claim to Indian blood? A Yes.  
Q Have you any children for whom? A One.  
Q Give the name and age of this child. A Wallace Adams, two months near three months old.  
Q W-a-l-l-a-c-e? A Yes.  
Q When and where were you married to Bettie G. Adams? A Dawson, Navarro County, Texas, January, 1900.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A Yes.  
Q Have you it with you? A Yes.  
Q You can present it now then. A Yes.

Marriage certificate between Merlin C. Adams and Bettie Wallace offered in evidence marked Exhibit "A" filed and made a part of the records in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, not that I knew of.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Did you make any such application? A No.

Q Did you authorize any one to make one for you? A No.

Q You have no reason then to think one was made do you? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or your child to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q You now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified? A Through the treaty of 1830 article fourteen.

Q Are you familiar with the provisions of that article of that treaty? A Well, slightly.

Q Just state your understanding. A The provisions of article 14 provides that all the Indians who didn't want to come West of the River could by going to the agent in Mississippi and telling him that they didn't want to go could get the heads of families, could get 640 acres of land, and for every child over ten years of age 320 and under ten years of age 160 acres of land, to adjoin the father, and if they ever removed from there they were not to get anything but lands in the Nation West.

Q Were not to receive any moneys? A Yes, that's about it.

Q Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That is the article under which you are making your claim now, is it? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No not that I know of.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was made between the United States and the Choctaw Indians? A I can't speak except from mere history that's been handed down to me; I have been taught that my great grandmother, Elizabeth Smith, who married John Blakeley was one half part Choctaw.

Q And did she live in Mississippi in 1830? A Yes.

Q Have you any evidence of that fact? A Why, I think so.

Q You will offer that to the Commission, will you? A Yes.

Q Through which one of your mother's parents did she derive her Choctaw blood? A Through her mother.

Q And what was her mother's name? A Mary Williamson.

Q And through which one of Mary Williamson's parents did she derive her Choctaw blood? A Her mother.

Q What was the name of that mother? A Elizabeth Blakeley.  
 Q And Elizabeth Blakeley was your great grandmother? A Yes.  
 Q Do you know if she came West with the other Choctaw Indians from Mississippi to the new Indian Territory between 1833 to 1838? A I have been told that she died in Mississippi.  
 Q Do you know whether she went to the Indian agent there in Mississippi within six months after the ratification of this treaty and told him that she wanted to stay in Mississippi and become a citizen of the United States? A No.  
 Q Can you secure any evidence on these points? A Unless these old people I know can testify on these points I don't know.  
 Q You will try to get that evidence? A Yes.  
 Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.  
 Q Did any of them ever own any land which they received from the Government under the treaty of 1830? A Not that I know of.  
 Q Did any of them ever get any scrip from the Government under that treaty? A Not that I know of.  
 Q Is there any other statement you would like to make in support of your application at this time? A No more than what- if it is necessary I would like to have my mother and aunt called as witnesses.

~~Sarah M. Adams being called and sworn as a witness in this case testified as follows in behalf of applicants:~~

Q What is your name? A Sarah M. Adams.  
 Q What is your age? A Fifty two.  
 Q What is your post office address? A Colorado City, Texas.  
 Q Are you acquainted with the applicant in this case? A I am.  
 Q What relation is he to you, if any? A Son.  
 Q He gets his Choctaw blood through you? A Yes.  
 Q And through which one of your parents do you get your Choctaw blood? A My mother.  
 Q What was her name? A Mary Williamson.  
 Q And through which one of her parents does she get her Choctaw blood? A Her mother.  
 Q What was her name? A Elizabeth Blakeley.  
 Q And that is the common ancestor through whom you claim and your son claims his Choctaw blood? A Yes.  
 Q What relation was she to your son? A Great grandmother.  
 Q Did she live in Mississippi in 1830? A I suppose so; she died there.  
 Q And you knew her, did you? A Slightly.  
 Q Did you know her at the time of her death? A Yes.  
 Q Where did she die? A In Newton County, Mississippi.  
 Q You remember her death? A Yes.  
 Q Were you in Mississippi at that time? A Yes.  
 Q You don't have any knowledge of whether she went to the Indian agent there and told him within six months after the ratification of the treaty of 1830 that she wanted to remain in Mississippi and become a citizen of the United States? A No I don't know.  
 Re applicant: Q Is there anything else you would like to have brought out through your mother? A No.

Witness excused.

Tempie McAllister being called and sworn as a witness in this case testified as follows:

Q What is your name? A Tempie McAllister.  
 Q What is your age? A Forty nine.  
 Q What is your post office address? A Waco, Texas.  
 Q Are you acquainted with the applicant in this case, Merlin C. Adams? A Yes.

Q What relation is he to you, if any? A My nephew.  
 Q What is his mother's name? A Sarah M. Adams.  
 Q What is his father's name? A Jacob J. Adams.  
 Q Through which one of his parents does he derive his Choctaw blood?  
 A Through his mother.  
 Q Are you related to his mother? A Yes.  
 Q What relation? A She is my sister.  
 Q Through which one of your parents do you and your sister get your Choctaw blood? A Through our mother.  
 Q What was that mother's name? A Mary Williamson.  
 Q Through which one of Mary Williamson's parents did she get her Choctaw blood? A Through her mother, Elizabeth Blakeley.  
 Q And Merlin G. Adams gets his Choctaw blood through the same common ancestor? A Yes.  
 Q What relation was Elizabeth Blakeley to him? A She was his great-grandmother.  
 Q Did you know her, Elizabeth Blakeley, personally? A She died before I knew her; I have a very dim recollection of her.  
 Q You don't know then whether she went to the United States Indian agent there in Mississippi within six months after the ratification of this treaty and told him that she wanted to remain and become a citizen of the United States? A No.  
 Q Is there any thing more you would like to have brought out? A No.

Witness excused.

To applicant: Q Were you acquainted with your grandmother? A No, she died when I was very small- an infant.  
 Q Can you speak Choctaw? A No.  
 Q Can your mother? A I have heard her call over some words that she said was Choctaw, I don't know myself, not knowing the language, I can't say whether it is Choctaw or not.  
 Q Have you any documentary evidence that you want to file at this time? A Not at present.  
 Q You want to offer the evidence of these witnesses of whom you spoke?  
 A Yes.  
 Q Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, the Commission will accept the same and make them a part of the application of the records in your case.

The applicant in this case has hazel eyes and light brown hair- and moderately fair complexion; his general features and appearance are those common to white people. He does not speak Choctaw and does not know personally any of his ancestors except his father and mother though it appears from family history and the testimony of his mother that the ancestor through whom he claims died in Mississippi. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of August, 1901.

*R. H. Linebaugh*

Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Atoka, I. T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2901.

In the matter of the application of Morlin G. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas B. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 10, 1901. M.C.R. 2905.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2907.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2909

In the matter of the application of Arcada Dufrene et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2908.

In the matter of the application of William Gary Dufrene et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2909.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2910.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2911.



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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2054.

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2053.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 9, 1901. M.C.R. 2050.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:-

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Misha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Doggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah N. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas N. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they don't live old enough, he don't know them.

Q Ask him if he knows Arcadia Dubose, Thomas J. Dubose and William Cary Dubose? A "I might know something about these older people but these younger people I don't know anything about.

Q Ask him if he knows William D Williamson, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws? A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indian here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation? A Yes; he went to different rolls; wherever those rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place.

Q Ask him where he lived before he came here to the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Mok-e-lanee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830. he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?  
A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived in near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetum Grove or Perk.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and those numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

- Q Ask him if Elizabeth Smith was married at the time ~~for~~ the making of this treaty? A Says she had married a white man and had children.
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am think of it"; he says that sometimes he can remember any name but then when he forgets them he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.
- Q Ask him if he was Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.
- Q Ask him if he knows the names of any of her children? A He don't know the names.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time the most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippi?
- ~~Q Never did see her any more.~~
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the government? A He says he don't know; he thinks that all those who stayed meant to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their names? A He says that was after he left Mississippi.
- (To applicant)
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's ~~husband~~ husband now? A He says that Elizabeth Smith's husband was a white man and that there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say a while ago that it was Blakeley? A He say he forgot it.
- Q Well, ~~ask~~ ask him if he remembers that Blakeley is right? A Yes that's the name; he remembers now that that is the name.
- (To applicant.)
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the commission to the Five Civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*A. H. Linebaugh*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Hinkley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, H.C. 2890.

In the matter of the application of Mattie Fernythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, H.C. 2897.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, H.C. 1488.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, H.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, H.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, H.C. 2905.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, H.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, H.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, H.C. 2906.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, H.C. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2889.

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In the matter of the application of Anselm DeRose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2358.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2355.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2356.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2354.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2353.

In the matter of the application of Maria Dixon et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, H.C. 2157.

In the matter of the application of Joseph E. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 2155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 2154.

In the matter of the application of William T. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 2157.

In the matter of the application of Nora H. Hillis for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 2156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 2156.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-



Q What is your next assignment?

Q What is your first name? A Elizabeth.

Q How old are you? A I will be fifty-one years old in ten days.

What is your post-office address? 4 Bureau.

1900; 1901.

Q What nationality do you claim to be? A I claim to be American.

1. What kind of Indian? A Choctaw.

father married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of the 101.

Q You mean that this white man and your own mother-in-law were together  
and that daughter was your mother? A Yes.

Q. And it was her mother who married a Negro? A. Yes.

Q How much shotgun blood did your mother claim to have? A One or two.

Q Are you a recognized Mexican Indian, a member of the Tehuacan Indian Council?

Tribe of Indians in the Indian Territory? A Yes I reckon so.

9 A recognized member of the Cheonan Tribe, her  
A "don't know, I live in the Territory now.

Q. Did you ever live in the Indian Territory? A. Yes when I was  
little.

A paper core, I did not. I lived in a very close, and I did.

Indian or an Indian recognized member of the Christian Church of  
 India in the Indian Territory? A Not in the Indian Territory.  
 I was before.

There were you a recognized member of the "Good Will" Club.

A I don't know whether I was or not.

There were no other recognized persons in the group.

Secret To 1001st, in action today.

Q Are you an alien? For identification as a 14 (a) 1? No.

2 Do you want to make a declaration for identification as a "Min-  
ority Threat"? A No, just for eg. children and grand children.

0 You want to give your location. Here in the corner of a road I drive

[illegible]

Are you acquainted with William E. Conkey, Seattle, Washington.

William Boyd, Thomas B. Ross, Arthur A. Ross, Oliver

Barah L. Adams, Gerlin C. Adams, J. Dale Adams, Tom Adams

Alister, Albert Edward Boyd, Altona, Ontario, Canada, 1911.

A. Williamson, Margie Adams, Billie Thomas, Marie Wilson,

James M. Boyd, Lawrence L. Boyd, William F. Walker, John  
Wilson and John G. Gentry.

1940-1941

2017-18-19-20

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

... sister's children or ... children ...

children. They are all related to me.

To all of those people not their choice, the only thing that matters is that we have a life.

ancester that you do? Yes.

And what is that ancestor's name? A That comes through  
the Howell family. The father of the first of the name.

7 Your winter's children and grandchildren will be

Chester blood through your

she was Choctaw. My Grandmother was one-half Indian.

Q You are living in Texas now? A Yes.

How long have you lived in Toront? A nearly fifty years, about

forty-seven or forty-nine years.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born in the year 1840 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1840 you can count it.
- Q About how old were you? A (My Attorney) was it before the war? A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- 
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blackley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1840, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney T. L. C.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Blackley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Elizabeth Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of theirs? --- What was their names please? -- Their names or mine?
- Q No, their. -- Give me the names of your brother's and sisters? A John, Vannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth -- now have you got Rhoda Blakley.
- Q Now the next after Rhoda? A Russell, Blakley, Albany Blakley, Temple Blakley, James Blakley, Mathers Blakley and Sarah Ann Blakley.

Witness excused.

Gulda Jane Barrington being called as a witness, testified as follows, being first duly sworn:

- Q What is your name? A Barrington H.J.
- Q What does that H. stand for? A It stands for Gulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the War broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A No. In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.



- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I hardly know what you mean.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William B. Mackay, Mattie Terapthe, William Boyd, Thomas B. Moss, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Temple M. Allister, Albert Edward Boyd, Arcadia Roberson, Oral Boyd, William D. Williamson, Margie Adams, William Thomas, Maria Gibson, Joseph K. Boyd, Lawrence E. Boyd, William T. Walker, Nora B. Milley, and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? Which one.
- Q All of these people, are they related to each other in any way?
- Q A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A My Sarah and Temple are sisters and Nora Milley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are all related or by one.
- Q All of them come only from the same ancestors? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Elizabeth.
- Q What was the first name? A Elizabeth.
- Q Were these people who have related to you for identification as Missions, I believe are the children and grandchildren and great-grandchildren of Elizabeth Mackay? A Yes.
- Q Was she a Cherokee Indian? A Well I don't know but she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did about themselves? A I don't know if she did or not but she was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1847 and 1848? A I don't remember, I just can't recollect any certain time or what date it was to say the least.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about fifteen years before? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I don't know.
- Q Do you remember on this about these Commissioners were sent down by the United States to Mississippi to find out which of the Indians were related to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Mackay or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

- Q Do you know whether Elizabeth Blackley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Harrington if you were at Elizabeth Blackley's house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with her.  
Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A Yes.  
Q Do you remember where Elizabeth Blackley died? A Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A Well she was a dark haired and dark complexioned, eye a black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blackley? A Yes.  
Q You know the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*

Notary Public.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

H.C.R. 2902

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Merlin C. Adams,

Colorado City, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sullie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.P. 2902.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Merlin C. Adams,  
Colorado City, Texas.

Dear Sir:

You are hereby notified that on the 30th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles*  
Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR 2902

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

Merlin C. Adams,  
Colorado City, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name *Merlin C. Adams*

Age *26* Blood *1/16*

Post Office, *Colorado City, Texas*

Father: *Jacob J. Adams*

Mother: *Sarah M. Adams*

Claims through *mother*  
wife: *Pettie M. Adams*  
(no claim for her)

Children:

*Wallace Adams 3mo*

*Claims for self and one  
child*

Stenographer

*Henry L. Harris*



Merlin C. Adriano et al

DECISION RENDERED.

RE

DEPARTMENT OF THE ARMY  
Communications Section

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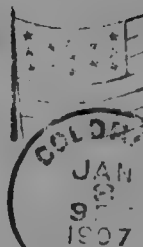
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.,

RETURN TO WRITER



*The address*

Merile C. Adams,

Colorado City, Texas.

Choctaw MCR 2903

Thomas B. Ross

MCR 2903

Department of the Interior  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2903

In the matter of the application of Thomas B. Ross for the identification of himself and his five minor children as Mississippi Choctaws.

Thomas B. Ross having been first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas B. Ross.  
Q What is your age? A Thirty nine.  
Q What is your post-office address? A Bertram, Barnett County, Tex.  
Q How long have you lived there? A About twelve years.  
Q Where did you live before that? A In Trinity County, Texas.  
Q How long have you lived in Texas? A All my life.  
Q Were you born there? A Yes.  
Q Never had a residence anywhere else? A No.  
Q What is your father's name? A Arthur Ross.  
Q Is he living? A Yes.  
Q What is your mother's name? A Clarissa Ross.  
Q How do you spell her name? A C-l-a-r-i-s-s-a.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Was your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Fannie M. Ross.  
Q Is she living? A Yes.  
Q Do you make any application for her? A No; I don't know.  
Q Has she Choctaw blood? A No.  
Q Well, do you make application for her? A No.  
Q Have you any children in your family for whom you wish to make application at this time? A I have got five.  
Q They are all unmarried? A Yes.  
Q Give the names and ages of these children. A Lilly May Ross.  
Q How do you spell Lilly? A L-i-l-l-y, I don't know how to spell it, I don't know how it is on record, I have forgotten.  
Q How old is she? A Thirteen.  
Q Next? A Bonnie Bymark Ross.  
Q Spell it? A B-o-n-n-i-e B-y-m-a-r-k R-o-s-s.  
Q Is that a boy? A No, it is a girl.  
Q How old? A Eleven years.  
Q Next? A David Barnett Ross.  
Q Barnett? A Yes.  
Q How old? A Ten.  
Q Next? A William Malcolm Ross; he is four.  
Q Next? A Scenie Vere Ross.  
Q How do you spell it? A I declare I don't know hardly how that is, S-c-e-n-i-e I believe.  
Q How do you spell the middle name? A I don't know how its spelled. I believe its V-o-r-e.  
Q Scenie Vere is the name? A Yes.  
Q Boy or girl? A Its a girl.  
Q William Malcolm is a boy is it? A Yes.  
Q How old is Scenie Vere? A She is two years old.  
Q Is that all your children? A Yes.

Q They are all your children? A Yes.  
 Q What is the name of their mother? A Fannie M. Ross.  
 Q When and where were you married to Fannie M. Ross? A In Madison County in 1886.  
 Q Did you obtain a license to marry? A Yes.  
 Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.  
 Q Have you your marriage license and certificate, and do you wish to offer them in evidence? A No I haven't got them, but I can get them.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application on behalf of your minor children.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
 Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as members of that tribe? A No.  
 Q Did you or did any one for you in 1896 make application to the Commission to the five civilized Tribes for citizenship in the Choctaw Nation for yourself or for your children under the Act of Congress of June 10, 1896? A Not that I know of.  
 Q Did you make any such application? A No.  
 Q Did you authorize any one? A No.  
 Q Have you any reason to think one was made? A No.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of United States Court in Indian Territory? A No.  
 Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
 Q Is this the first application of any description you have ever made? A Yes.  
 Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.  
 Q How do you claim now the right to identification as a Mississippi Choctaw? A Well, under that treaty of 1830.  
 Q Any particular part of the treaty or under the whole treaty? A Well, I suppose under the whole treaty--the article fourteen.  
 Q Do you understand the provisions of that article fourteen? A Well, it would be just like our laws here, I don't know anything about your laws here but our laws in Texas if the Courts would have passed a law and it didn't exactly suit and they would put an amendment in.  
 Q What I want to know is do you understand the provisions of that 14th. article? A No; only that it was to give them a right, all them that didn't want to come to this Nation but stay in Mississippi and take land there.  
 Q The law giving the Commission the right to hear applications for identification as Mississippi Choctaws authorizes it to identify those applicants who claim under the fourteenth article of the treaty of 1830. In 1830 the United States was trying to make a treaty with the Indians in order to remove them from the Choctaw Nation there in Mississippi to a country West of the Mississippi River and exchange their land there in Mississippi for lands West of the Mississippi River, but they could not make any treaty with the Indians until some provision was made for those who didn't want to come West. So article fourteen was made for the benefit of those who wanted to stay there in Mississippi. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age, and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay in Mississippi without losing the privileges of Choctaw citizenship if within six months after the treaty was ratified they went to the Indian agent there and told him that they didn't want to come West, that they wanted to stay there and become citizens of the United States- that they would then receive land from the Government. The article further provided that if they ever removed they were not to receive any part of the Choctaw annuity. Is this the provision you are claiming under now? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q You know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members

of the Choctaw Nation in 1830 when this treaty was entered into between the United States and the Choctaw Indians? A Well, the Blakeleys.

Q What was the Christian name? A My mother was Clarissa Lee, and my grandmother on my mother's side was a Blakeley.

Q What was her first name? A Nancy B.; and my great grandmother was a Blakeley also- Lizzie Blakeley was my great grandmother.

Q Did she live in Mississippi in 1830? A I suppose so.

Q Have you any evidence of that fact? A Well yes I guess its done been proved that they lived there.

Q It has been proven before the Commission that they lived there in Mississippi in 1830? A Well, I guess I can prove it.

Q Do you know of any people living who knew your great grandmother Lizzie Blakeley and can testify that she lived in Mississippi in 1830?

A Yes; I don't know of any one that can prove that she lived in Mississippi in 1830 but I can I think prove that she lived there.

Q Do you understand that it is a material fact in your case to prove that she lived in Mississippi in 1830? A Yes.

Q Do you know that she was Choctaw Indian? A No.

Q Have you any evidence that she was? A I think I can get evidence of that fact.

Q In what form will that evidence be? A I will justify to get some older connections.

Q Can you bring them before the Commission to testify? A Only those that are here now.

Q Can you get their depositions? A I guess so.

Q Why can't you bring them before the Commission? A I will try.

Q Did your great grandmother Lizzie Blakeley--A No, Elizabeth Blakeley

Q --remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory when the other Indians came West between 1833 to 1838? A Not that I know of.

Q Do you know whether she went to the Indian agent there within six months from the ratification of the treaty of 1830 and told him that she wanted to stay there and become a citizen of the United States? A No, I don't.

Q Would you be able to get any evidence on that point? A Not that I know of.

Q You don't know anybody living that knew Elizabeth Blakeley and knew that she went to the agent there--? A No.

Q Have any of your ancestors ever claimed or received any land in

Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No, not that I know of.

Q Have any of them ever owned any land which they received from the Government under the treaty of 1830? A No, not that I know.

Q Did any of them ever get any scrip from the Government? A No, not that I know of.

Q Are there any further statements you want to make in support of your application at this time? A Well, I want to get these ladies, Mrs. McAllister and Adams.

Q What relation are they to you? A They are cousins; their grandmother was my great grandmother.

Q Have you any evidence that you want to file now, any affidavits or papers of any kind? A No.

Q Should you desire to offer any further evidence in support of your application either the oral testimony of witness or their depositions or affidavits you will be permitted to do so and the same will be made a part of the records in your case.

Q Can you speak Choctaw? A No, my mother can though.

Q Is your mother living? A Yes.

Q Has she made application here for identification? A No, she started up but she was afraid to try to come- she is getting so old.

Q Did you know your grandmother? A Yes.

Q Did you know your great grandmother? A No.

The applicant in this case has brown eyes and brown mustache, and hair slightly curly; and dark skin; but his features and appearance generally are those of a white person. He does not speak Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of August, 1901.

*A. W. Hinebaugh*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

In the matter of the application of Thomas B. Ross for identification of himself and his five minor children, heard at Atoka, I.T., July 10, 1901. M.C. 2903

In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C. 2904

Testimony of Sarah M. Adams and Temple McAllister.

Sarah M. Adams being called and sworn as a witness in this case testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty two.  
Q What is your post office address? A Colorado City, Texas.  
Q Are you acquainted with applicants, Arthur A. and Thomas B. Ross?  
A Yes.  
Q How long have you known them? A I knew them when they were small but I haven't known them for several years back.  
Q What relation are they to you if any? A Second cousins.  
Q What was their mother's name? A Clarissa.  
Q What was their father's name? A Arthur Ross.  
Q Through which one of their parents did they get their Choctaw blood? A Through their mother.  
Q And were you related to their mother? A Yes; cousin of their mother.  
Q What is their mother's name? A Nancy Lee was their mother's mother's name.  
Q What was their mother's father's name? A Jacob Lee.  
Q Were you related to their mother's mother or father? A To their mother's mother; their grandmother.  
Q What relation were you to their grandmother? A She was my aunt.  
Q Was she your mother's or father's sister? A My mother's.  
Q And which one of your parents was Choctaw? A Mother.  
Q Then your mother and their mother's mother were sisters? A Yes their grandmother and my mother was sisters.  
Q Did you know anything about Jacob Lee claiming Choctaw blood? A I know they claimed but I don't know anything about it.  
Q You don't know anything about their Lee ancestors personally? A I know Jacob Lee he was my uncle but about his people I don't know anything.  
Q You don't know anything personally then about Jacob Lee's ancestors and as to whether they were Choctaw Indians and lived in Mississippi in 1830? A They have that claim, but I don't know.  
Q But through their grandmother they get Choctaw blood from the same common ancestor that you do? A Yes.  
Q And what was that common ancestor's name? A Elizabeth Blakeley.  
Q And Elizabeth Blakeley was what relation to your mother and their grandmother? A Mother.  
Q Did she live in Mississippi in 1830? A I suppose so.  
Q You don't know of that personally? A No.  
Q You knew their great grandmother personally did you? A Yes slightly.  
Q Did you know her when she died? A Yes.  
Q Did you know where she died? A Yes; in Newton County, Mississippi.  
Q But you don't know personally whether she lived in Mississippi all her life? A I don't; they settled there in Mississippi in early days somewhere there in the early part of the 18th., after 1800.

Q Do you know whether she came West with the other Indians from 1833 to 1838? A No.

Q Do you know whether she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that she wanted to stay in Mississippi and become a citizen of the United States? A I don't know; all of this I know only from family history.

To applicants: Q Is there anything else you would like to bring out through her? A Not that I know of.

Witness excused.

Mrs. Tempie McAllister being called and sworn as a witness in these cases testified as follows in behalf of applicants:

Q What is your name? A Tempie McAllister.

Q What is your age? A Forty nine.

Q What is your post office address? A Waco, Texas.

Q Are you acquainted with applicants, Thomas B. and Arthur A. Ross?

A Yes.

Q What relation are they to you if any? A Their mother is my cousin.

Q What is their mother's name? A Clarissa Ross.

Q Thomas B. and Arthur A. Ross are brothers? A Yes.

Q And she is your cousin? A Yes.

Q Through which one of Clarissa Ross's parents did she get her Choctaw blood? A She claimed it through both her parents.

Q What was her mother's name? A Nancy Lee.

Q What was her father's name? A Jacob Lee.

Q And were you related to Nancy or Jacob? A Nancy Lee.

Q What relation to her? A She is my aunt; my mother's sister.

Q Through which one of your parents do you claim your Choctaw blood?

A My mother.

Q What was her name? A Mary Williamson.

Q And Mary Williamson was a sister to Nancy Lee? A Yes.

Q Then your mother was a sister to the grandmother of these applicants? A Yes.

Q And these applicants claim Choctaw blood through the same common ancestor that you do? A Yes.

Q What was the name of that common ancestor through whom your mother and the grandmother of these applicants derive their Choctaw blood?

A Elizabeth Blakeley.

Q What relation was she to you? A Grandmother.

Q What relation to applicants? A Great grandmother.

Q Did you know her personally? A No; I have a very indistinct recollection.

Q Did you know whether she lived in Mississippi in 1830 and whether she was a recognized member of the Choctaw tribe? A I have always been told that she lived there at that time.

Q Did you know Jacob Lee the grandfather of these applicants?

A I wasn't personally acquainted.

Q Do you know anything at all about any of his ancestors? A No, I don't.

Q Did you know whether he, Jacob Lee, had Choctaw blood? A No, I did not know him personally at all; I was not acquainted with my uncle Lee's ancestors at all.

To applicants: Q Is there anything further you want to bring out by this witness? A We don't know.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony and that the above and foregoing is a full, true

and correct transcript of his stenographic notes in said testimony on  
said date.

Henry P. Hains

Subscribed and sworn to before me this 5<sup>th</sup> day of August, 1901.

W. H. McLaughlin

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2902.

In the matter of the application of Thomas B. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, IT. July 10, 1901. M.C.R. 2898.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859

In the matter of the application of Arcada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Gary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2859.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856.

In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2854.

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T., July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T., July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:-

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Mighty seven.

Q What is his post office address? A Boggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows these old people in Mississippi but these young people "I don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Authur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they don't live old enough, he don't know them.

Q Ask him if he knows Areada DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these older people but these younger people I don't know anything about.

Q Ask him if he knows William D. Williamsen, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?

A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of India here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation? A Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He was quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place.



Q Ask him where he lived before he came here to the Choctaw Nation?  
A First emigrated here and then went to Texas right on the line of Mexico; there were Choctaws there then and he went and stayed there in a little town; he don't know what the name would be but he gave it Nek-o-logee; and there was a band of Choctaws there, and he stayed with them several years, and he came back over into the Choctaw Nation.

Q Ask him where he was born? A In Mississippi in the old nation.

Q In what part of Mississippi? A About the far corner of the State of Mississippi.

Q Did he say what County? A He says there was no County then; he says the line was around that way, running that way, and the Chickasaw Nation was right joining it.

Q Ask him if he lived in Mississippi in 1830? A I was right there present right at Dancing Rabbit Creek in 1830." he was about sixteen years old then.

Q Ask him if he knew about that article fourteen of the treaty of 1830? A He didn't pay much attention to it; he can't read and he don't know what that treaty was but he was there present when they were signing the treaty.

Q Ask him how long he stayed in Mississippi after that treaty of 1830 was made? A He says he don't know just how long but he came with the second emigration; its about two years after the first emigration; that must be about 1833.

Q Ask him if he knew the most of the Choctaw Indians in Mississippi at that time? A He could think back and remember a good many.

Q Ask him if among the Choctaw Indians he knew there in Mississippi he knew anybody living there in Mississippi named Elizabeth Smith before she was married and Elizabeth Blakeley afterwards?

A He says Elizabeth Smith married a white man by the name of Blakeley and he don't think she emigrated West; that there were some that stayed there.

Q Ask him if Elizabeth Smith was a Choctaw Indian or a white woman?  
A Her mother was a Choctaw.

Q Full blood? A Yes.

Q Ask him what her mother's name was? A She had a Choctaw name, he says; and it has been so long that he can't remember what it is.

Q Ask him if Elizabeth herself had a Choctaw Name? A He says there was some white missionaries came there and they did preaching and some of them were joining the church and an English name was given some of them by the missionaries and when they give them English name they use them. "I can remember Elizabeth well but I can't remember her Choctaw name."

Q Ask him how he happens to remember Elizabeth Smith or how long she lived in near him if she did? A He knew her in Mississippi; he says that he lived in the same neighborhood, near, there where Elizabeth lived; called by the name of Sweetgun Grove or Fork.

Q Ask him if Elizabeth Smith was recognized by the Choctaw Government there as being a Choctaw Indian? A Yes; was recognized as Choctaw by the Choctaws in Mississippi at that time.

Q Ask him if she was enrolled by the Choctaws at that time? A He says he thinks she registered he don't know; every Choctaw gave the name of what they remembered and I think she registered I don't know he says.

Q Ask him if she came West with the other Indians? A Says "Didn't come West."

Q Ask him if she went to the Indian Agent there within six months after that treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A He says that those that meant to stay there that they always registered made to take the five years stay and a good many of them sent in their ponies or sticks and these numbers of sticks, those bundles of sticks represented each head of a family when they sent in a bundle of sticks.

- 4---
- Q Ask him if Elizabeth Smith was married at the time ~~of~~ the making of this treaty? A Says she had married a white man and had children.
- Q Ask him what that white man's name was? A He says, "the name is a pretty hard one to remember but I am think of it"; he says that sometimes he can remember any name but when when he forgets them he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now; he has forgot it.
- Q Ask him if Elizabeth Smith went to the agent and said she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she went there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.
- Q Ask him if he was Elizabeth Smith, go? A He says there were a good many people at that time straying about but he can't say she was.
- Q Ask him if she ever told him that she was going to register or that she had gone? A No she never told him.
- Q Ask him if he knows the name of any of her children? A He don't know the names.
- Q Ask him if he knew Elizabeth Smith there in Mississippi up to the time she most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the government? A He says he don't know; he thinks that all those who stayed went to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had come to Ward and registered their names? A He says that was after he left Mississippi.
- (To applicant)
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's ~~husband~~ husband now? A He says that Elizabeth Smith's husband was a white man and that there was another man name just like him, but he don't know what it was.
- Q Ask him if he didn't say a while ago that it was ~~Elizabeth~~? A He says he forgot it.
- Q Well, ask him if he remembers that ~~husband~~ in ~~Mississippi~~ Mississippi? A Yes that's the name; he remembers now that that is the name.
- (To applicant.)
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness excused)

Henry G. Hains being duly sworn on his oath states that he sincerely adheres to the commission to the five civilized Tribes as reported in said the above testimony on July 11, 1901, and that the above foregoing is a full, true and correct transcript of his statements and answers in said testimony on said date.

Henry G. Hains

Subscribed and sworn to before me on this 17 day of August, 1901.

R. W. Rhinebaugh  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2896.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2897.

In the matter of the application of Meliana Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 9, 1901, M.C. 1458.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2898.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10th, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2897.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2887.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2889.



In the matter of the application of Arcadia DuBose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 6, 1901, M.C. 2856.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph W. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3133.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3134.

In the matter of the application of William S. Waller for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3137.

In the matter of the application of Vera B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3136.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3138.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Carson.
- Q Texas? A Yes, Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Have you ever lived in the Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make an application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the case of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Berlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Aronda DuBose, Oral Boyd, William B. Williamson, Margie Adams, Lillian Thomas, Maria Gipsen, Joseph F. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Wiley and John Owen? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw, my Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.

- Q Where did you live before you lived in Texas? A In Mississippi, in West n County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? (My Attorney; was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the Treaty was made between the United States and the Choctaw Indians called the Treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blackley.
- Q Your mother then was married before the year of eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.
- Q By the Commission.
- Q Do you know whether Elizabeth Blackley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember there? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by the Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you give me the names of the other children of theirs? -- What was their names, please? A Their names or mine? Q Theirs.--Give me the names of your brothers and sisters? A John Fannie, Mary, Mary, Nellie and William Blakley and my name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, ~~then~~ Albany Blakley, Temple Blakley, James Blakley, Mathura Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington H. J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go to from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well, I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Newton County.
- Q About how old were you when you went to Mississippi? A Oh I well I just can't tell you that.

Q About how old? A I reckon about fifteen.

Q What is your nationality? A What is my nationality?

Q Yes? A Well, I don't hardly know what you want.

Q Are you a white woman? A Yes I was for one.

Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.

Q Are you acquainted with William L. Bailey, Lattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Milo Adams, Tempie W. Allister, Albert Edward Boyd, Arcada DeRose, Oral Ford, William D. Williamson, Margie Adams, William Thomas, Maria Simpson, Joseph M. Boyd, Lawrence L. Boyd, William P. Walker, Lora M. Hilley and John Owens? A Yes.

Q You know all of them? A Yes.

Q Are you related to them in any way? A Not at all.

Q What relation are they to each other if any? A Which one.

Q All of these people are they related to each other in any way? A Yes.

Q No, you know how? A Yes.

Q You state as well as you can how? A Why Sarah and Tempie are sisters and Lora Hilley is her daughter.

Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.

Q All of them come originally from the same ancestor? A Yes.

Q Were you acquainted with that ancestor? A Yes.

Q What was the name of that ancestor? A Elizabeth.

Q What was her given name? A Elizabeth.

Q Then these people who have applied for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blackley? A Yes.

Q Was she a Choctaw Indian? A Well they called her that or she looked like it.

Q Did she look like a full blood? Well not a full blood, they all said she was half.

Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.

Q They associated with her as they did among themselves? A I don't know if they did or not but they was there.

Q You were not living in Mississippi at that time when this treaty was made? A No I heard them talking about it.

Q After you moved to Mississippi? A Yes.

Q Were you living in Mississippi between one year 1830 and 1840? A I don't remember, I just can't recollect any certain time or what date it was so save my life.

Q You think you were about fifteen when you went to Mississippi? A Yes.

Q And you were born about eighteen twenty-seven? A Yes.

Q And you went to Mississippi when you were about fifteen years old? A Yes.

Q Then you must have gone to Mississippi about the year 1842, or about that time? A I suppose.

Q No, you remember anything about when these Commissioned men were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.

Q You don't know then whether Elizabeth Blackley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.



Q Do you know whether Elizabeth Blackley owned any land in Missis-  
sippi? A I don't know, they lived on a home and called it  
theirs but how they got it I don't know.

Examination by Attorney A. Telle.

Q I will ask you Mrs. Barrington if you were at Elizabeth Blackley's  
house very often? A Yes.  
Q And were well acquainted with her? A I was well acquainted with  
her.  
Q Did you ever see any other Choctaws around where she lived? A  
Why I seen them knocking around there.  
Q And common report had it that she was one of the Choctaws? A  
Yes.  
Q Do you remember where Elizabeth Blackley died? A Yes.  
Q Where did she die? A In Mississippi.  
Q Were you present at her burial? A Yes.  
Q What was her appearance? A She was a dark haired and and  
dark complected, eyes black, heavy set.  
Q Do you know whether she spoke the Choctaw language? A She  
would not unless she was talking to some of them.  
Q She could talk to the other Choctaws that came to her? A Yes  
she could.  
Q Do you know Mrs. Elizabeth Williamson the lady that was a  
witness in this case? A Yes.  
Q Do you know her to be a descendant from Elizabeth Blackley? A  
Yes.  
Q You knew the whole family, ever since you went to Mississippi  
and ever branch back of it that came from that common origin? A  
Yes I did.

Witness excused.

C. Robert Linkel being duly sworn on his oath states that as  
stenographer to the Commission to the Five Civilized Tribes he  
reported, in full all the proceedings had in the above entitled  
cases and that the above and foregoing is a full, true and  
correct transcript of his stenographic notes in said cases,  
heard at Atoka, Indian Territory, on August 1, 1901.

*G. J. Rosewin Kel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, January 9, 1901.

Thomas H. Ross,

Bertram, Texas.

Dear Sir:-

Replying to your communication of the fourth instant, in which you inclose interrogatories to be propounded to Elizabeth Williamson, in the applications made by yourself and by Arthur A. Ross, for identification as Mississippi Choctaws before this Commission, you are advised that Section B of Rule 3 governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws requires that a copy of the interrogatories filed by the applicants must be served upon the attorneys for the Choctaw and Chickasaw Nations, and that proof of such service be made to the Commission. In the absence of such proof of service of the interrogatories filed by you, a commission to take the depositions cannot be issued by this Commission. The interrogatories and affidavits supporting same are herewith returned to you.

Yours truly,

4 Enc.  
MHR-2203-2204

Commissioner in Charge

Muskogee, Indian Territory, July 27, 1901.

Mr. Thomas B. Ross,  
Bertram, Texas.

Dear Sir:--

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing deposition of Clarrisa Ross and certified copy of marriage record of T. B. Ross and Fannie M. Peterson, which you offer for filing in support of your application for the identification of yourself and you minor child as Mississippi Choctaws.

The same has been duly filed and made a part of the record in this case and will receive the consideration of the Commission in the disposition of your application.

Yours truly,

No-2903

Commissioner in charge.



Muskogee, Indian Territory, August 17, 1901.

Mr. Arthur A. Ross,  
Mr. Thomas B. Ross,

Bertram, Texas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 5, in which you ask to be advised if any other evidence except your marriage licenses and your mother's depositions have been filed in your case.

It appears from our records that in the case of Thomas B. Ross there has been filed as documentary evidence only the certificate of J. W. Massey, clerk of the court, of the marriage of Thomas B. Ross and Fannie M. Peterson, and the deposition of Clarissa Ross.

In the case of Arthur A. Ross the only documentary evidence filed is the marriage certificate between Arthur A. Ross and Hester Hallmark, and the deposition of Clarissa Ross. No other documentary evidence has been filed in these cases. At the time when Thomas B. Ross and Arthur A. Ross appeared before the Commission as applicants for identification as Mississippi Choctaws on July 10, 1901 the testimony of Sarah M. Adams and Tempie McAllester was taken in behalf of these applicants. No other evidence of any character has been filed with these applications.

Yours truly,

M.C.2903  
" " 2904

Muskogee, Indian Territory, December 7, 1901.

T. B. Ross,  
Bertram, Texas,

Dear Sir:

Your letter of November 22, addressed to the Secretary of the Interior, has been referred to the Commission for answer. You ask for information in regard to applications for identification as Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that at Atoka, Indian Territory, on July 10, 1901, you applied for identification for yourself and your minor children as Mississippi Choctaws. No decision has yet been reached or opinion rendered relative to your right to identification as a Mississippi Choctaw. When such decision is reached, you will be notified of the action of the Commission.

If you wish to offer any further evidence in support of your application the Commission will hear the testimony of such witnesses as may present themselves in person at its office at Muskogee, Indian Territory; if your witnesses live in Mississippi they may be heard at the office of the Commission at Meridian, Mississippi, between January 15 and February 15, 1902. If you cannot secure the

T.B.R. 2

personal attendance of your witnesses, their depositions will be considered, when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws.

A copy of said regulations is inclosed you herewith for your information.

Yours truly,

Commissioner in Charge.

MC 2903.

Rules for taking  
depositions.

Muskogee, Indian Territory, January 2, 1902.

Thomas B. Ross,  
Bertram, Texas.

Sir-

Replying to your letter of December 28, 1901, in which you enclose interrogatories propounded to Elizabeth Williamson to be filed in your application for identification as a Mississippi Choctaw, and with the application of Luther A. Ross, the same are returned to you for the reason that they were not taken in conformity with the rules and regulations promulgated by the Commission, November 4, 1901. A copy of said rules is also enclosed herewith, and you are advised that before the Commission will accept depositions in these cases, they must be strictly in conformity with said rules.

Respectfully,

Commissioner in Charge.

3 Enc.  
MC

Muskogee, Indian Territory, January 10, 1902.

Thomas B. and Arthur A. Ross,  
Bertram, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing the affidavits of Thomas B. and Arthur A. Ross and copies of interrogatories to be propounded to Mrs. Elizabeth Williamson and requesting the issuance of a commission to take the deposition of the said Mrs. Elizabeth Williamson, such deposition to be used in evidence in support of your applications for identification as Mississippi Choctaws.

The same are returned to you herewith for the reason that the application submitted to take the deposition of Mrs. Elizabeth Williamson is not in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, adopted by the Commission, November 4, 1901. Sub-division e of Rule 2 requires that the party desiring to take a deposition must serve a copy of the interrogatories on the opposing party or on his attorney of record and Rule 13 provides that proof of personal service shall be made where service is required by the written acknowledgment of the party served or by the affidavit of the party making such service.

T B and A A R 2

There is not submitted to the Commission with this request for the issuance of a commission to take the deposition of Mrs. Elizabeth Williamson any proof of service of a copy of the interrogatories on the Choctaw Nation.

It is necessary before the Commission can consider the issuance of a commission to take the deposition of Mrs. Elizabeth Williamson, that proof of personal service shall be shown upon the Choctaw and Chickasaw Nations.

You will note that Rule 12 of the rules and regulations above referred to, provides as follows:

"Service on the Choctaw and Chickasaw Nations shall be had by serving the attorneys for said nations."

The legal representatives of the Choctaw and Chickasaw Nations are Messrs Mansfield, McMurray & Cornish, Attorneys at Law, South McAlester, Indian Territory.

For your guidance and information there is enclosed you herewith a copy of the rules and regulations of the Commission to the Five Civilized Tribes in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws adopted November 4, 1901.

Yours truly,

Commissioner in Charge.

Enc Y 124

Muskogee, Indian Territory, January 22, 1902.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Replying to your letter of January 15, enclosing interrogatories to be propounded to Elizabeth Williamson, the same are returned to you for the reason that no proof of service on the attorneys for the Choctaw Nation is made by you. Rule 13, of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, provides fully the method in which proof of service on the attorneys for the Choctaw and Chickasaw Nations shall be made, and until you can make such proof of service to this Commission the deposition of Elizabeth Williamson cannot be taken.

Section B., of rule two provides that the party desiring to have the deposition taken must file with the Commission his affidavit setting forth one or more causes for taking such deposition, and that the testimony of the witness whose deposition it is desired to take is material to this claim, and briefly specify the nature of the evidence sought to be adduced in the taking of such deposition. This you have also failed to do.

You are advised that it would be well for you to send the copy of interrogatories and notice to take deposition to some

AAH-2

person residing at South McAlester, Indian Territory, with the request that he make personal service upon the attorneys for the Choctaw and Chickasaw Nations, and certify under oath to such service.

Commission to take depositions can only be issued by this Commission when the rules and regulations adopted November 4, 1901, governing the procedure of the taking of depositions, are fully complied with.

Yours truly,

Acting Chairman.

2 encls.

MC-2903  
MC-2904



Muskogee, Indian Territory, January 23, 1902.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing the application of Arthur A. Ross for the issuance of a commission to take the deposition of Mrs. Elizabeth Williamson to be read in evidence in support of his application for identification as a Mississippi Choctaw, attached thereto being copies of interrogatories to be propounded to the said witness and a statement signed by numerous persons as to A. A. Ross being an honest, industrious and upright gentleman.

You also enclose the sworn application of Thomas B. Ross for the issuance of a commission to take the deposition of Mrs. Elizabeth Williamson to be read in evidence in support of his application for identification as a Mississippi Choctaw, attached thereto being copies of interrogatories to be propounded to such witness and a statement signed by numerous persons as to R. B. Ross being an honest, upright and industrious citizen.

The signed statements as to the integrity and the industry of Thomas B. and Arthur A. Ross are returned you herewith for the reason that the same is not material evidence and could not be considered by the Commission as such in support of applications

A A R 2

of these two persons for identification as Mississippi Choctaws.

The applications for the issuance of commissions to take the deposition of Elizabeth Williamson to be used in evidence in support of the applications of these two persons for identification as Mississippi Choctaws, are returned you herewith with the information that such commissions cannot at this time issue for the reason that the same have not been presented in conformity with the rules and regulations of the Commission of November 4, 1901, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is enclosed you herewith.

You will note that Section "e" of Rule 2 provides that a copy of the interrogatories must be served on the opposing party or his attorney of record. Rule 12 stipulates that service on the Choctaw and Chickasaw Nations shall be had by serving the attorneys for said nations and Rule 13 requires that proof of personal service shall be made where service is required by the written acknowledgment of the party served or the affidavit of the party making such service. The attorneys of the Choctaw and Chickasaw Nations are Messrs. Manafield, McMurray & Cornish, Attorneys at Law, South McAlester, Indian Territory.

Upon the resubmission of the application to take the deposition of Elizabeth Williamson in conformity with the rules and regulations, copy of which is enclosed you, this matter will

AAR3

receive farther attention.

Yours truly,

Acting Chairman.

M O R 2903

M O R 2904

Enc Y 301

M C R 2903  
M C R 2904

Muskogee, Indian Territory, February 5, 1902.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of joint letter of yourself and Thomas B. Ross of February 1, 1902, enclosing copies of interrogatories to be propounded to Elizabeth Williamson in the matter of your application and that of Thomas B. Ross for identification as Mississippi Choctaws and a letter of Messrs Mansfield, McMurray & Cornish of January 18, 1902, addressed to you, returning copy of interrogatories referred to in your letter of January 15, 1902.

The several enclosures in your letter are herewith returned for the reason that proper service on the Choctaw and Chickasaw Nations has not been had for the purpose of issuing a commission to take the deposition of Elizabeth Williamson in accordance with the rules and regulations governing the procedure in the taking and submission of interrogatories in support of applications for identification as Mississippi Choctaws adopted by the Commission to the Five Civilized Tribes, November 4, 1901.

There is also enclosed you herewith a copy of said rules and regulations and your attention is especially invited to

A A R 2

paragraph (c) of Rule 2 and Rules 12 and 13 relative to service of notice and proof of such service.

Until such service is made in accordance with these rules and regulations, the Commission cannot further consider the application for the issuance of commissions to take the deposition of Elisabeth Williamson in support of your applications for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Enc Y 93

M.C.R. 2903

Muskogee, Indian Territory, April 8, 1902

Thomas B. Ross,  
Bertram, Texas.

Dear Sir:-

The Commission is today in receipt of direct interrogatories to be propounded to Elizabeth Williamson in your application for identification as a Mississippi Choctaw, with your affidavit thereto attached setting forth the reasons for desiring to take the deposition of this witness. These documents are returned to you for the reason that the records of the Commission show that the deposition of Elizabeth Williamson has been filed in the application of Arthur A. Ross, M.C.R. 2904, and from an examination of the direct interrogatories propounded to her in that deposition it is found that she was asked the same questions that you propose to have propounded to her, and as your claim to a right to identification as a Mississippi Choctaw is the same as that of Arthur A. Ross, your applications will be consolidated and considered as one, and the deposition of Elizabeth Williamson heretofore filed in the application of Arthur A. Ross will likewise be considered in connection with your own application. Therefore, the Commission

Thomas B. Ross----- R

sees no reason why the deposition of this person should be again  
taken.

Yours truly,

Commissioner in Charge

Enclosure  
G.H. 166

Miss. Choctaw 2903  
Miss. Choctaw 2904.

Muskogee, Indian Territory, October 18, 1902.

Thomas M. Ross,  
Arthur A. Ross,  
Bertram, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 2, in which you state that you have proved that you are descendants of a Choctaw Indian who received land in Mississippi under article fourteen of the treaty of 1830, and you ask that the supplemental agreement provides for the identification as Mississippi Choctaws of the descendants of those Indians who did receive patents to land, and you wish to know what hinders you from being identified as Mississippi Choctaws.

In reply to your letter you are advised that the Commission now has your applications for identification as Mississippi Choctaws under consideration, and it is probable that a decision will be reached in the near future. As soon as a decision is rendered you will be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2903

Muskogee, Indian Territory, January 23, 1903.

Thomas B. Ross,

Bertram, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2903

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Thomas B. Ross,  
Bertram, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Culame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rupe, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mullia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M C R 2903

Muskogee, Indian Territory, February 14, 1903.

Thomas B. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state that the letter of the Commission notifying you of its action was not received in time to permit you to file arguments in support of your claim.

In reply you are informed that the fifteen days from January 23, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 8, 1903. On February 9, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

M.C.R. 2903.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Thomas B. Ross,

Bertram, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*I. B. Needles.*  
Commissioner in Charge.

MCR 2903

Muskogee, Indian Territory, December 6, 1906.

Thos. B. Ross,

Bertram, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

MOR-2903

Muskogee, Indian Territory, February 11, 1907.

T. B. Ross,  
R. F. D. No. 1,  
Box 43,  
Bertram, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter, without date, requesting to be advised on what grounds the motion for rehearing recently filed in your case was denied.

The records of this office show that you are one of the applicants in the consolidated Mississippi Choctaw case of Tempie McAllester, and for your information a copy of Departmental letter of November 24, 1906, denying the petition of William Lee, filed under the Act of Congress approved April 26, 1906, for a rehearing in the consolidated case above mentioned, is herewith enclosed.

Respectfully,

WLM.  
Encl. 11/2

Commissioner.



INDEXED. A

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*Chas. T. ...*  
*...*

CHOCTAW

*...*  
*...*  
*...*

Berlin Mass Dec 28  
1901

to the various  
to the various civilized tribes  
Gentlemen

Enclosed please find the  
Deposition of Edward  
Williamson which is a  
very full and complete  
statement of the facts  
which we think  
will be of great  
value to the  
Commission  
of the  
Department of the  
Interior and to the  
people of the  
United States.

Respectfully,  
Yours,

Thomas B. F. F. F. F.

No.

2903

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name *Thomas B. Ross*

Age *39* Blood *1/16*

Post Office, *Bertram, Texas*

Father: *Arthur Ross*

Mother: *Clarissa Ross*

Claims through *mother*  
wife: *Fannie M. Ross*  
(*No claim for her*)

Children:

*Lilly May Ross* 13  
*Vonnie Bygmark* F 11  
*David Barnett* " 10  
*William Malcolm* 4  
*Scenie Vore* F 2

*Claims for self and 5 children.*

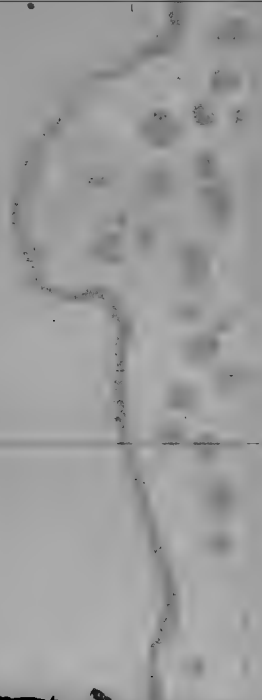
Stenographer

*Henry G. Hains*

EXHIBIT FICHOCTAW.

*Thomas B Ross et al*

DECISION RENDERED. JAN 22 1903



2557

Choctaw MCR 2904

Arthur A. Ross

MCR 2904



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2904

In the matter of the application of Arthur A. Ross for the identification of himself and his three minor children as Mississippi Choctaws.

Arthur A. Ross being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Arthur A. Ross.  
Q What is your age? A Thirty five.  
Q What is your post office address? A Bertram, Texas.  
Q How long have you lived there? A About eight months.  
Q Where did you live before? A Trinity County, Texas.  
Q How long have you lived in Texas? A All my life.  
Q Were you born in Texas? A Yes.  
Q And have never had a residence anywhere else? A No.  
Q What is your father's name? A Arthur Ross.  
Q Is he living? A Yes.  
Q What is your mother's name? A Clarissa Ross.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Therster Ross.  
Q How do you spell it? A T-h-e-e-s-t-e-r.  
Q Is she living? A Yes.  
Q Do you make application on behalf of your wife? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A Yes.  
Q Have you any children in your family for whom you wish to make application at this time? A Yes three.  
Q Give the names and ages. A Tomia (Boy), eleven.  
Q Spell it. A T-o-m-i-a.  
Q Next? A Media (Girl), seven.  
Q M-e-d-i-a? A Yes.  
Q Spell the next one? A M-a-l-l-i-a (Boy), four.  
Q You are the father of these children? A Yes.  
Q What is the name of the mother? A Theester.  
Q When and where were you married to Theester? A In Trinity County, 1887.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Official.  
Q Justice of the Peace? A Yes.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of your application for the minor children.  
A I can produce that evidence.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

Q Did you or did any one for you or for your children in 1896 make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time for yourself or your children to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make your claim now to identification as a Mississippi Choctaw? A By my mother.

Q What do you claim through your mother? A You mean how much Indian was she?

Q I mean what do you claim through your mother? A Choctaw Indian.

Q You make your claim then because you have been taught that your mother had Choctaw blood? A Yes.

Q Do you make your claim by reason of any of the treaties between the United States and the Choctaw Indians? A Yes under the treaty of 1830.

Q Any particular part or the whole treaty? A Article fourteen.

Q Do you understand the provisions of that article? A No, I don't.

Q In 1830 the United States wanted to remove the Choctaw Indians West of the Mississippi River and give them those lands for lands there in Mississippi in order that the State of Mississippi might be opened to white settlement. But the United States could not get the treaty with the Indians until some provision was made for these Indians who did not want to leave the State of Mississippi and then the United States and the Indians both ratified the treaty without any further trouble. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article are not to lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that these Indians if they went to the United States Indian agent there in Mississippi within six months after the treaty was made and told him they didn't want to come West but wanted to stay there in Mississippi they could do so and take land in Mississippi; the article further provided that if they did this they were not to lose the rights of Choctaw citizenship but if they ever removed were not to receive any part of the Choctaw annuity. Is that the provision under which you are claiming at this time? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q Do you know what is meant by the word ancestor? A I think so.

Q What is the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were recognized members of the Choctaw tribe in 1830 when the treaty was entered into?

A I suppose Nancy Blakeley-which was her maiden name- lived in Mississippi, in 1830, yes I suppose she lived there in that time.

Q What relation was Nancy Blakeley to you? A My grandmother.

Q Did you know her ever? A Yes.

Q How long ago did she die? A I can't tell you exactly; about 25 years.

Q About how old was she when she died? A I can't tell you; she was tolerably old when she died.

Q Sixty five or somewhere in there? A I don't know; I think between fifty and sixty I suppose- I have no idea.

Q You say you claim your Choctaw blood through your mother? A Yes.

Q And through which one of her parents does she claim her Choctaw blood? A Her mother; you said ancestor or ancestors?

Q Yes. A I suppose it is on file here in this Court that the Lees has Choctaw blood in them and also the Blakeleys; I suppose I can give the names both sides if you wish.

Q You understand that the evidence that is given in other cases does not apply in your case unless you make it a part of the record in your case; now I am trying to get the names of the ancestors through whom you claim; now I ask you the name of your mother's mother? A Her name was Nancy Blakeley- her maiden name.

Q And what was her married name? A Nancy Lee.

Q What was your mother's father's name? A Jacob Lee.

Q Was he a Choctaw Indian? A Yes he claimed to be a fourth.

Q Have you any evidence of that fact? A Well, I don't know that I have, only I suppose I have always been taught that and I suppose.

Q Your mother's mother's name was Nancy Lee? A Yes.

Q What was Nancy Lee's mother's name? A Elizabeth Smith.

Q What was her married name? A Elizabeth Blakeley.

Q What was Nancy Lee's or Nancy Blakeley's father's name? A John Blakeley, I suppose.

Q Which one of these parents claimed Choctaw blood? A John Blakeley you mean or his wife?

Q I mean John or Elizabeth was it who claimed to be Choctaw Indian? A Elizabeth.

Q And what relation was Elizabeth Blakeley to you? A My great grandmother.

Q What was Jacob Lee's father's name? A My grandfather's father? I don't know.

Q Do you know what his mother's name was? A Yes I have always been told it is Annie Bun- her married name was Annie Lee.

Q Did she claim to be Choctaw Indian? A Yes.

Q Have you any evidence that any of your ancestors ever lived in Mississippi in 1830 and were Choctaw Indians? A No I don't know that I have.

Q Is there any evidence you could secure on these points? A I don't know that they are.

Q Did any of your ancestors, Elizabeth Blakeley or Annie Lee, or any other ancestors of yours come West with the other Choctaw Indians from Mississippi to the present Indian Territory between 1833 to 1838?

A If they did I don't know it.

Q Is there any one who would be able to testify on these points?

A Not that I know of.

Q Did any of these ancestors if they did not come west with the other Indians go to the Indian agent there in Mississippi and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.

Q Could you get any evidence on that point? A Not that I know of.



Q You don't know of anybody living who would be able to testify personally as to these facts? A No.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of them ever own any land from the Government under this treaty? A If they did I never heard anything of it.

Q Did any of them ever own any scrip from the Government under this treaty? A Not that I know of.

Q Have you any records in your family, or copies of records or deeds or patents about these facts? A No.

Q Is there anybody living who would be able to testify about these facts? A I don't know of any.

Q Is there anything else you would like to say at this time in support of your application? A Well, if it be necessary I would like to prove by these two witnesses that we are ancestors of Nancy Lee.

Q Do you want to offer the evidence of these two witnesses? A Yes.

Q Who are they? A Mrs. Adams and McAllister.

Q What relation are they to you? A Cousins.

Q They are older than you and know more about your ancestors than you do? A Yes.

Q Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, you will be permitted to do so and the Commission will make them a part of the record in your case.

Have you any documentary evidence that you want to file now? A No.

Q Can you speak Choctaw? A No.

Q Could your mother? A Yes.

Q Did you know your grandfather Jacob Lee and your grandmother Nancy Lee his wife; did you know them personally? A Yes.

Q You remember them? A Yes.

Q You know when they died? A I know about when they died; I just remember of it; I was small then.

Q You didn't know your great grandparents, Armie Lee and Elizabeth Blakeley? A No.

Q The applicant in this case has bluish gray eyes, slightly curly brown hair and tawny mustache; his complexion is blonde; his features and general appearance are those of a white person; he does not speak the Choctaw language and knows of no compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 5 day of August, 1901.

*D. W. Linebaugh*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 11, 1901.

In the matter of the application of Sarah M. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2901.

In the matter of the application of Merlin C. Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2902.

In the matter of the application of Thomas B. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2903.

Q In the matter of the application of Arthur A. Ross et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, IT. July 10, 1901. M.C.R. 2898.

In the matter of the application of Tempie McAllister et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 8, 1901. M.C.R. 2859.

In the matter of the application of Arcada DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2858.

In the matter of the application of William Cary DuBose et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 9, 1901. M.C.R. 2889.

In the matter of the application of Oral Boyd et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2855.

In the matter of the application of William D. Williamson et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2856.

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In the matter of the application of Margie Adams et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2854

In the matter of the application of Lillian A. Thomas et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 8, 1901. M.C.R. 2853.

In the matter of the application of William L. Blakeley for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 9, 1901. M.C.R. 2890.

Davis Homer being called and sworn as interpreter;

John Lewis being called and sworn as a witness in these cases and examined by Davis Homer, sworn interpreter, testified as follows in behalf of these applicants:

Examination by the Commission:

Q Ask him what his name is, Mr. Homer? A He says: "I have two names; my Choctaw name is Mi-ha-tubbe; and my English name is John Lewis.

Q Ask him how old he is? A Eighty seven.

Q What is his post office address? A Boggy Depot.

Q Indian Territory? A Yes.

Q Ask him if he knows Sarah M. Adams and her children, Merlin C. Adams and J. Dale Adams? A He says he don't know them; he says he knows those old people in Mississippi but these young people "don't know anything about" he says.

Q Ask him if he knows Thomas B. Ross and Arthur Ross? A He says he don't know anything about these names at all.

Q Ask him if he knows Tempie McAllister? A He thought you was asking about the name of that town near South McAllister; he don't know; he says he never was about South McAllister much to know anybody there; he says he don't know her.

Q Ask him if he knows Albert Edward Boyd and Oral Boyd? A He says he don't know anything about them; he says they didn't live old enough; he don't know them.

Q Ask him if he knows Arcada DuBose, Thomas J. DuBose and William Cary DuBose? A "I might know something about these older people but these younger people I don't know anything about."

Q Ask him if he knows William D. Williamsen, Margie Adams, Lillian A. Thomas and William A. Blakeley? A He says he don't know them.

Q Ask him if he knows whether they have recently made application before the Commission for identification as Mississippi Choctaws?

A No, he don't know.

Q Ask him if he is a recognized member of the Choctaw tribe of Indians here in the Indian Territory? A "Yes, I am a full blood Choctaw" he says.

Q Ask him if his name is on the tribal rolls of the Choctaw Nation

Q "Yes; he went to different rolls; wherever these rolls are his name is there too.

Q Ask him how long he has been here in the Choctaw Nation in Indian Territory? A He quite young when he first came to the Choctaw Nation in Indian Territory; "I went round from place to place but since I got settled down in Choctaw Nation it has been about 60 years at one place."



- Q Ask him if Elizabeth Smith was married at the time of the making of this treaty? A Says she had married a white man and had children.
- Q Ask him what that whiteman's name was? A He says, "the name is a pretty hard one to remember but I am think of it"; he says that sometimes he can remember any name but then when he forgets then he can't get it back.
- Q Ask him if he knows the Christian name? A He don't know now, he has forget it.
- Q Ask him if Elizabeth Smith went to the agent and told him she wanted to stay or if she sent in a bundle of sticks? A He don't know but he thinks she want there herself.
- Q Ask him what makes him think so? A He says that those who had horses, ponies to ride did but those who didn't didn't go.
- Q Ask him if he was Elizabeth Smith go? A He says there were a good many people at that time straying about but he can't say about her.
- Q Ask him if she ever told him that she was going to register or that she had gone? A He she never told him.
- Q Ask him if he knows the name s of any of her children? A He don't know the name.
- Q Ask him if he know Elizabeth Smith there in Mississippi up to the time she most of them left Mississippi? A Yes.
- Q And did she still stay in Mississippi after he left there? A Yes.
- Q Ask him if he ever knew her any more after he left Mississippi? A Never did see her any more.
- Q Ask him if Elizabeth Smith ever got any land there in Mississippi from the Government? A He says he don't know; he thinks that all those who stayed want to take land there; he don't know.
- Q Ask him if he knows anything about the time Martin went down to Mississippi, sent down there by the United States to find out what ones of the Indians had gone to Ward and registered their name? A He says that was after he left Mississippi.
- (To applicant)
- Q Is there anything more you want brought out by this witness? A Unless he can remember Elizabeth Smith's husband's name; nothing more.
- Q Ask him if he remembers the name of Elizabeth Smith's ~~husband~~ husband now? A He says that Elizabeth Smith's husband was a white man and that there was another man named just like him, but he don't know what it was.
- Q Ask him if he didn't say a while ago that it was Blackley? A He say he forgot it.
- Q Well, now ask him if he remembers that Blackley is right? A Yes that's the name; he remembers now that that is the name.
- (To applicant.)
- Q Is there anything more you can think of that has not been brought out? A I think not.
- Q Ask him if he knows anything more about Elizabeth Smith than I have already brought out? A He says he don't know anything more.
- (Witness excused)

Henry L. Hains being duly sworn on his oath states that as stenographer to the commission to the five civilized Tribes he reported in full the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Linebaugh  
Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Haskley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2860.

In the matter of the application of Mattie Perrythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 29, 1901, M.C. 2897.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1455.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10th, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2857.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2869.

In the matter of the application of Arcene Dubose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2838.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2838.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2838.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gibson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3134.

In the matter of the application of William F. Waller for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3137.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3136.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3138.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes, Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blackley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blackley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in the Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blackley, Kattie Foraythe, Melinda Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin G. Adams, J. Dale Adams, Temple M. Allister, Albert Edward Boyd, Arcada Dubose, Oral Boyd, William M. Williamson, Hargie Adams, Lillian Thomas, Maria Gipeon, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Willey and John Owens? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty-seven or forty-nine years.



- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820 you can count it.
- Q About how old were you? (By Attorney; was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the Treaty was made between the United States and the Choctaw Indians called the Treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.
- Q By the Commission.
- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it, I have forgot some of it.

Examination by the Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you give me the names of the other children of theirs? -- What was their names, please? A Their names or mine? Q Their -- Give me the names of your brothers and sisters? A John Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, then Albany Blakley, Tammie Blakley, James Blakley, Mathara Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Harrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Harrington H. J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go to from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well, I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? A Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas W. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlie C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcadia DeBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gibson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Vera D. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one.
- Q All of these people are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A My Sarah and Tempie are sisters and Vera Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was her given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at that time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioned men were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissioners and tried to get land there in Mississippi? A No I do not know.

Q Do you know whether Elizabeth Blackley owned any land in Mississipp? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

Q I will ask you Mrs. Barrington if you were at Elizabeth Blackley's house very often? A Yes.  
 Q And were well acquainted with her? A I was well acquainted with her.  
 Q Did you ever see any other Choctaws around where she lived? A Why I seen them knocking around there.  
 Q And common report had it that she was one of the Choctaws? A Yes.  
 Q Do you remember where Elizabeth Blackley died? A Yes.  
 Q Where did she die? A In Mississippi.  
 Q Were you present at her burial? A Yes.  
 Q What was her appearance? A She was a dark haired and dark complected, eyes black, heavy set.  
 Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.  
 Q She could talk to the other Choctaws that came to her? A Yes she could.  
 Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.  
 Q Do you know her to be a descendant from Elizabeth Blackley? A Yes.  
 Q You knew the whole family, ever since you went to Mississippi and ever branch that of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles L. Sawyer*

Notary Public.

Muskogee, Indian Territory, January 9, 1901.

Thomas B. Ross,  
Bertram, Texas.

Dear Sir-

Replying to your communication of the fourth instant, in which you inclose interrogatories to be propounded to Elizabeth Williamson, in the applications made by yourself and by Arthur A. Ross, for identification as Mississippi Choctaws before this Commission, you are advised that Section E of Rule 2 governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws requires that a copy of the interrogatories filed by the applicants must be served upon the attorneys for the Choctaw and Chickasaw Nations, and that proof of such service be made to the Commission. In the absence of such proof of service of the interrogatories filed by you, a commission to take the depositions cannot be issued by this Commission. The interrogatories and affidavits supporting same are herewith returned to you.

Yours truly,

4 Enc.  
MOR-2903-2904

Commissioner in Charge

Muskogee, Indian Territory, July 27, 1901.

Mr. Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing deposition of Clarrisa Ross and marriage certificate between A. A. Ross and Hester Hallmark, which you offer for filing in support of your application for the identification of yourself and minor child as Mississippi Choctaws.

The same have been made a part of the records in this case and will receive the consideration of the Commission in the disposition of your application.

Yours truly,

MC-2904

Commissioner in charge.

Muskogee, Indian Territory, August 17, 1901.

Mr. Arthur A. Ross,  
Mr. Thomas B. Ross,  
Bertram, Texas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 5, in which you ask to be advised if any other evidence except your marriage licenses and your mother's depositions have been filed in your case.

It appears from our records that in the case of Thomas B. Ross there has been filed as documentary evidence only the certificate of J.W. Massey, clerk of the court, of the marriage of Thomas B. Ross and Fannie M. Peterson, and the deposition of Clarissa Ross.

In the case of Arthur A. Ross the only documentary evidence filed is the marriage certificate between Arthur A. Ross and Hester Hallmark, and the deposition of Clarissa Ross. No other documentary evidence has been filed in these cases. At the time when Thomas B. Ross and Arthur A. Ross appeared before the Commission as applicants for identification as Mississippi Choctaws on July 10, 1901 the testimony of Sarah M. Adams and Tempie McAllester was taken in behalf of these applicants. No other evidence of any character has been filed with these applications.

Yours truly,

H.O. 2903  
" " 2904



*See MCR 2903 for letter of  
T. B. Ross to which this is an answer*

Muskogee, Indian Territory, January 2, 1902.

Thomas B. Ross,

Bertram, Texas.

Sir-

Replying to your letter of December 28, 1901, in which you enclose interrogatories propounded to Elisabeth Williamson to be filed in your application for identification as a Mississippi Choctaw, and with the application of Luther A. Ross, the same are returned to you for the reason that they were not taken in conformity with the rules and regulations promulgated by the Commission, November 4, 1901. A copy of said rules is also enclosed herewith, and you are advised that before the Commission will accept depositions in these cases, they must be strictly in conformity with said rules.

Respectfully,

Commissioner in Charge.

3 Enc.  
MC



Muskogee, Indian Territory, January 22, 1902.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Replying to your letter of January 15, enclosing interrogatories to be propounded to Elizabeth Williamson, the same are returned to you for the reason that no proof of service on the attorneys for the Choctaw Nation is made by you. Rule 13, of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, provides fully the method in which proof of service on the attorneys for the Choctaw and Chickasaw Nations shall be made, and until you can make such proof of service to this Commission the deposition of Elizabeth Williamson cannot be taken.

Section B., of rule two provides that the party desiring to have the deposition taken must file with the Commission his affidavit setting forth one or more causes for taking such deposition, and that the testimony of the witness whose deposition it is desired to take is material to this claim, and briefly specify the nature of the evidence sought to be adduced in the taking of such deposition. This you have also failed to do.

You are advised that it would be well for you to send the copy of interrogatories and notice to take deposition to some

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person residing at South McAlester, Indian Territory, with the request that he make personal service upon the attorneys for the Choctaw and Chickasaw Nations, and certify under oath to such service.

Commission to take depositions can only be issued by this Commission when the rules and regulations adopted November 4, 1901, governing the procedure of the taking of depositions, are fully complied with.

Yours truly,

Acting Chairman.

2 enc.

MC-2903

MC-2904

Muskogee, Indian Territory, January 23, 1902.

Arthur A. Ross,  
 Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the application of Arthur A. Ross for the issuance of a commission to take the deposition of Mrs. Elisabeth Williamson to be read in evidence in support of his application for identification as a Mississippi Choctaw, attached thereto being copies of interrogatories to be propounded to the said witness and a statement signed by numerous persons as to A. A. Ross being an honest, industrious and upright gentleman.

You also enclose the sworn application of Thomas B. Ross for the issuance of a commission to take the deposition of Mrs. Elisabeth Williamson to be read in evidence in support of his application for identification as a Mississippi Choctaw, attached thereto being copies of interrogatories to be propounded to such witness and a statement signed by numerous persons as to R. B. Ross being an honest, upright and industrious citizen.

The signed statements as to the integrity and the industry of Thomas B. and Arthur A. Ross are returned you herewith for the reason that the same is not material evidence and could not be considered by the Commission as such in support of applications

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of these two persons for identification as Mississippi Choctaws.

The applications for the issuance of commissions to take the deposition of Elisabeth Williamson to be used in evidence in support of the applications of these two persons for identification as Mississippi Choctaws, are returned you herewith with the information that such commissions cannot at this time issue for the reason that the same have not been presented in conformity with the rules and regulations of the Commission of November 4, 1901, governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is enclosed you herewith.

You will note that Section "a" of Rule 2 provides that a copy of the interrogatories must be served on the opposing party or his attorney of record. Rule 12 stipulates that service on the Choctaw and Chickasaw Nations shall be had by serving the attorneys for said nations and Rule 13 requires that proof of personal service shall be made where service is required by the written acknowledgment of the party served or the affidavit of the party making such service. The attorneys of the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray & Garnish, Attorneys at Law, South McAlester, Indian Territory.

Upon the resubmission of the application to take the deposition of Elisabeth Williamson in conformity with the rules and regulations, copy of which is enclosed you, this matter will

AAH3

receive further attention.

Yours truly,

Acting Chairman.

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M C R 2903  
M C R 2904

Muskogee, Indian Territory, February 5, 1902.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of joint letter of yourself and Thomas B. Ross of February 1, 1902, enclosing copies of interrogatories to be propounded to Elizabeth Williamson in the matter of your application and that of Thomas B. Ross for identification as Mississippi Choctaws and a letter of Messrs Mansfield, McMurray & Cornish of January 18, 1902, addressed to you, returning copy of interrogatories referred to in your letter of January 15, 1902.

The several enclosures in your letter are herewith returned for the reason that proper service on the Choctaw and Chickasaw Nations has not been had for the purpose of issuing a commission to take the deposition of Elizabeth Williamson in accordance with the rules and regulations governing the procedure in the taking and submission of interrogatories in support of applications for identification as Mississippi Choctaws adopted by the Commission to the Five Civilized Tribes, November 4, 1901.

There is also enclosed you herewith a copy of said rules and regulations and your attention is especially invited to

A A R 2

paragraph (c) of Rule 8 and Rules 12 and 13 relative to service of notice and proof of such service.

Until such service is made in accordance with these rules and regulations, the Commission cannot further consider the application for the issuance of commissions to take the deposition of Elisabeth Williamson in support of your applications for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Enc Y 93



M.C.R. 2904

Muskogee, Indian Territory, March 6, 1902

Mr. Arthur A. Ross,

Wortham, Texas.

Dear Sir:-

The Commission is in receipt of your letter enclosing your affidavit and copies of interrogatories thereto attached, to be propounded to Mrs. Elizabeth Williamson in your application for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes.

You are informed that the service on the attorneys for the Choctaw and Chickasaw Nations and proof thereof is in accordance with the rules and regulations adopted by the Commission, governing and regulating the taking and submission of depositions in applications for identification as Mississippi Choctaws, and that after the proper time has elapsed for the filing of cross interrogatories by the Choctaw and Chickasaw Nations, a commission will be issued for the taking of the deposition of Mrs. Elizabeth Williamson and same will be forwarded to you.

Yours truly,

Commissioner in Charge



M C R

2904

Muskogee, Indian Territory, March 26, 1902

Arthur A. Ross,

Bertram, Texas.

Dear Sir:-

The Commission is in receipt of your communication of the 22nd inst. and in reply will say that there were no direct interrogatories filed with the Commission at the time of the filing of those to be applied in your application. If Thomas B. Ross desires depositions taken in his application he must file interrogatories and proof of service of same on the attorneys for the Choctaw and Chickasaw Nations, together with his affidavit setting up reasons for desiring to have said depositions taken.

In regard to depositions in your own application it would be well for you to have them taken at once, or the time will elapse in which same can be filed.

Yours truly,

Commissioner in Charge.

M C R 2904

Muskogee, Indian Territory, March 19, 1902

Arthur A. Ross,

Bertram, Texas.

Dear Sir:-

There is enclosed herewith a commission to take the deposition of Elizabeth Williamson, upon direct interrogatories and cross interrogatories thereto attached, the same to be read in evidence in the matter of the application of yourself and minor children for identification as Mississippi Choctaws pending before the Commission to the Five Civilized Tribes. Upon the receipt thereof you will deliver same to some officer authorized to take depositions, and after the taking of said deposition is completed, instruct him to forward same to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

Yours truly,

Commissioner in Charge

Enc. G.H. 194

Miss. Choctaw 2904

Muskegee, Indian Territory, March 28, 1902.

Arthur A. Ross,

Bertram, Texas,

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of Ollie Mildred Ross, infant daughter of Arthur A. and Theester Ross, born March 3, 1902. The affidavit of the mother and the physician at the birth of this child have been accepted as evidence of its birth, and have been filed with and made a part of your original application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

COPY

Miss. Choctaw 2904

Muskogee, Indian Territory, May 13, 1902.

Arthur A. Ross,

Bertram, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, in which you ask if your interrogatories were in proper form, and in reply you are advised that the interrogatories to be propounded to Elizabeth Williamson, in support of your application for identification as a Mississippi Choctaw, were in proper form, and the deposition of Elizabeth Williamson has been filed with the record in your case.

Yours truly,

Acting Chairman.

Miss. Choctaw 2904.

Muskogee, Indian Territory, May 17, 1902.

Arthur A. Ross,  
Bertram, Texas,

Dear Sir:

Your letter of May 10, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action.

You ask therein to be informed if you have made sufficient proof of your Indian blood to justify you in taking up land in the Choctaw nation, and state that you want a map which shows the sectional lines.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw, and the Commission cannot render an opinion as to the sufficiency of the evidence filed in support of application until the same are taken up for consideration and determination.

Relative to your right to take up land in the Choctaw Nation, your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by

A.A.N. 2

the Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commissioner and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of the above legislation would accrue to applicants until after they have been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830.

The Commission has prepared sectional maps of the Choctaw and Chickasaw Nations, but cannot comply with your request to be supplied with copies of such maps for the reason that they are not for free distribution. You can procure copies of these maps from the Special Disbursing Agent of the Commission, at Muskogee, Indian Territory, for One Dollar each.

Yours truly,

Acting Chairman.

Miss. Choctaw 2903  
Miss. Choctaw 2904.

Muskogee, Indian Territory, October 10, 1902.

Thomas B. Ross,  
Arthur A. Ross,

Bertram, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 2, in which you state that you have proved that you are descendants of a Choctaw Indian who received land in Mississippi under article fourteen of the treaty of 1830, and you see that the supplementary agreement provides for the identification as Mississippi Choctaws of the descendants of those Indians who did receive patents to land, and you wish to know what hinders you from being identified as Mississippi Choctaws.

In reply to your letter you are advised that the Commission now has your applications for identification as Mississippi Choctaws under consideration, and it is probable that a decision will be reached in the near future. As soon as a decision is rendered you will be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior.

Respectfully,

N. C. R. 2904

Muskogee, Indian Territory, December 16, 1902.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask to be advised if your name or the names of your children have been enrolled.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and four minor children as Mississippi Choctaws.

The Commission has not up to this time reached any opinion or decision in your case, but is now considering your application, and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 2904

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Arthur A. Ross,  
Bertram, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M C R 2904

Muskogee, Indian Territory, January 27, 1903.

William M. Gibson,  
Groverton, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., in which you state that you have been informed that the Commission was closed so far as the acceptance of claims and proof of original applications for identification as Mississippi Choctaws: that you have never made direct application, and that you are a half-brother of Arthur A. Ross who is an applicant to the Commission for identification as a Mississippi Choctaw. You ask to be advised if you can present your application and what steps are necessary for you to take.

In reply to your letter you are informed that it appears from the records of the Commission that Arthur C. Ross, thirty-five years of age, residence Bertram, Texas, is an applicant for the identification of himself and minor children as Mississippi Choctaws. No decision or opinion has yet been reached in this case but the Commission is now considering his application and it is probable a decision will be rendered in the near future. The applicant will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to any rights which you may have as a Mississippi Choctaw and the time within which you may present such applica-

W. M. Gibson---2

tion, you are advised that the authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in the following provision of the act of Congress of June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming right s in the Choctaw lands ~~under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.~~"

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Ala-

W.M.Gibson---3

bama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for the purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 190, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those "Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty."

It would, therefore, be necessary, in order for applicants to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty one years of age or who are married must present themselves in person before the Commission for examination under oath, at

W.M.Gibson---4

which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations, September 25, 1902, provides:

~~"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months from the date of the final ratification of this agreement~~

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 9, 1903.

R. J. Ellington,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, 1903, asking if the name of Betsey, Indian name Ik-han-ah, mother of Tom Anderson, a Mississippi Choctaw whose post office is Ofahoma, Mississippi, appears on our rolls showing sufficient evidence of having complied with article fourteen of the treaty of 1830, thus enabling Tom Anderson and his children to secure their right to allotment as Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that Thomas Anderson, son of Betsey or Ik-han-ah, and Jeff Anderson, both deceased, appears as an applicant to this Commission for the identification of himself, his wife, Tina Anderson, his daughter, Eliza Anderson, and his ward, Rosa Willis, as Mississippi Choctaws.

You are further advised that no decision has yet been reached nor opinion rendered relative to the rights of these applicants to identification as Mississippi Choctaws. As soon as a decision is reached in their case the applicants will be duly notified of the action of the Commission.



R J Ellington-----8

You are informed that the Commission can not render any opinion as to the sufficiency of evidence offered in support of this case until the same is reached for consideration and determination.

Respectfully,

Acting Chairman.

M C R 2904

Muskogee, Indian Territory, February 12, 1903.

A. A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state that the fifteen days allowed you within which to file arguments is not sufficient and that you therefore will not present such arguments.

In reply to your letter you are informed that the fifteen days from January 23, 1903, heretofore granted you within which to file arguments in support of your claim, expired on February 7, 1903. On February 9, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be notified in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

M C R 2904

Muskogee, Indian Territory, February 12, 1903.

William M. Gibson,  
Groveton, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th ultimo, in which you state that you have been informed that the Commission was closed so far as the acceptance of claims and proof of original applications for identification as Mississippi Choctaws that you never made direct application; that you are a half brother of Arthur A. Ross who is an applicant for identification as a Mississippi Choctaw. You ask to be advised if you can present your application.

In reply to your letter you are informed that it appears from the records of the Commission that Arthur A. Ross, residence Bertram, Texas, made application to this Commission for the identification of himself and his minor children as Mississippi Choctaws.

The Commission, on January 23, 1903, rendered its decision refusing his application, and on the same date he was notified by registered mail of the action of the Commission and that he was granted fifteen days from the date of said decision within which to file arguments in support of his claim to be transmitted to the Secretary of the Interior. The fifteen days from January

W. M. G.---2

23, 1903, heretofore granted in this case, expired on February 7, 1903. On February 9, 1903, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Arthur A. Ross will be duly notified of such action as may be taken by the Secretary of the Interior.

Relative to the time the Commission will receive applications for identification as Mississippi Choctaws, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Respectfully,

Acting Chairman.

M C R 2904

Muskogee, Indian Territory, February 27, 1903.

A. A. Ross,  
Bertram, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, to the Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action. You enclose the letter of the Commission to you of January 23, 1903, notifying you of the refusal of your application, and state that the fifteen days granted does not give you sufficient time in which to submit additional evidence.

In reply to your letter you are informed that the fifteen days from January 23, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 7, 1903. On February 9, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

A A R 2

The letter of the Commission of January 23, 1903, is  
herewith returned you.

Respectfully,

Chairman.

McM 8

COPY.

M.C.F. 2904.

Muskogee, Indian Territory, July 13, 1903.

Arthur A. Ross,

Bertram, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

MOR 2904

Muskogee, Indian Territory, January 12, 1906.

Linebaugh Bros.,  
Attorneys at Law,  
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 29, 1905, desiring to be informed the status of the Mississippi Choctaw case of Arthur A. Ross.

In reply you are advised that on May 20, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes refusing to identify as Mississippi Choctaws the several persons included in the consolidated Mississippi Choctaw case of Temple McAllister, et al., of which the application of Arthur A. Ross, et al. is a part.

The case in question is now considered closed.

Respectfully,

Commissioner.



PCR 2904.

Muskogee, Indian Territory, December 6, 1906.

Arthur A. Ross,  
Bertram, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this Office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

No.

2001

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name Arthur A. Ross

Age 35 Blood 1/16

Post Office, Artriam Texas

Father: Arthur Ross

Mother: Clarissa Ross

Claims through mother  
wife: Theester Ross  
(no claim for her)

Children:

Tommyia Ross M 11

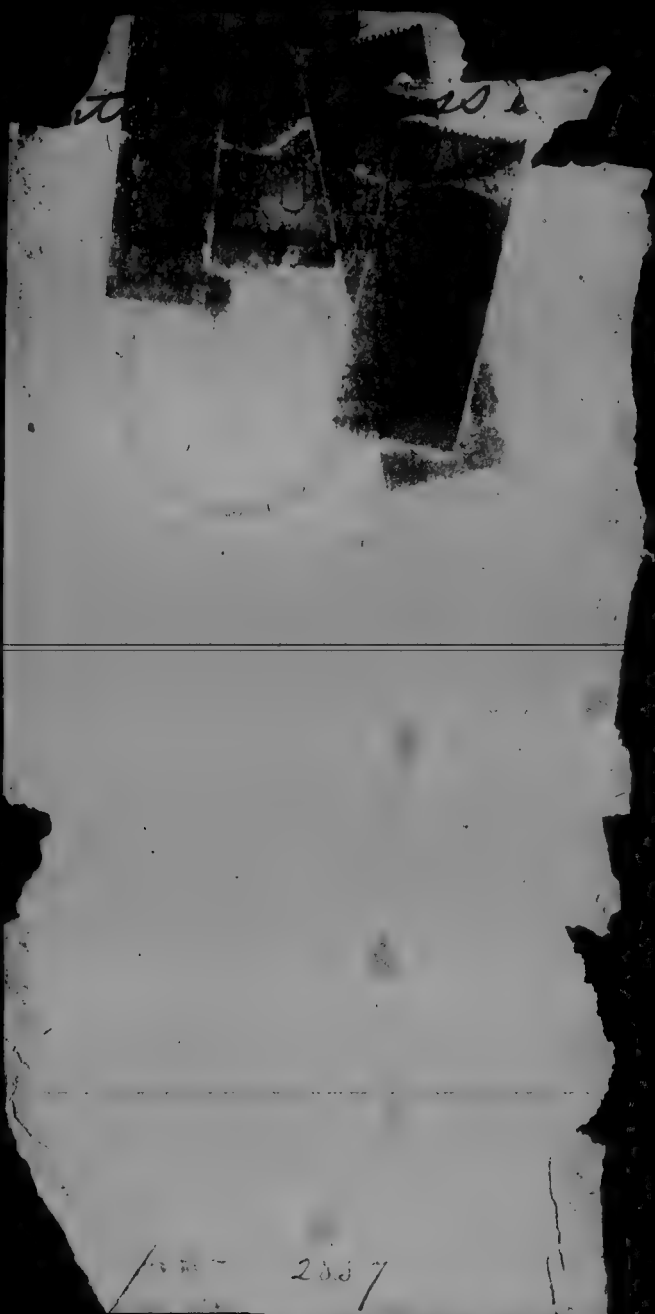
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Claims for self and 3 children

Stenographer

Lewy S. Hains



to

ss

/ 2007

Choctaw MCR 2905

Mary Jane McElroy

See MCR 2913, 2914, 2906  
2907, 2908, 2909

MCR 2905

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Jane McElroy, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Mary Jane McElroy, et al.,	M.C.R. 2908
Mary Luvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909.

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Mary Jane McElroy, et al.

	(Page)
Original application of Mary Jane McElroy, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of Mary Collins.....	6
Affidavit of W. L. Prendergast.....	7
Affidavit of D. M. Prendergast.....	8
Original application of Mary Luvenia Means before the Dawes Commission for identification as a Mississippi Choctaw.....	9
Testimony of Mary Jane McElroy.....	11

Joint affidavit of Henry Williams and Nick Robinson.....	14
Joint affidavit of Henry Williams and Nick Robinson.....	15
Affidavit of Isaac Bowie.....	16
Original application of Simon Spence, et al., before the Dawes Commission for identification as Mississippi Choctaws...	17
Testimony of Mary Jane McElroy.....	19
Certified copy of marriage record between Simon Spence and Mary Vernon.....	21
Affidavit of Pinkney Smith.....	23
Joint affidavit of Henry Williams and Nick Robinson.....	24
Joint affidavit of Henry Williams and Nick Robinson.....	25
Affidavit of Isaac Bowie.....	26
Original application of Paul Prendergast, et al., before the Dawes Commission for identification as Mississippi Choctaws...	27
Testimony of Mary Jane McElroy.....	31
Affidavit of Viney Hunt.....	33
Certified copy of the affidavit of W. L. Prendergast.....	34
Certified copy of the affidavit of D. M. Prendergast.....	35
Certified copy of the affidavit of Mary Collins.....	36
Certified copy of marriage record between Eugene Pendergast and Fannie Harris.....	37
Original application of Mary Sims, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	38
Certified copy of marriage record between Ben Sims and Mary Prendergast.....	42
Original application of Jeff Prendergast, et al., before the Dawes Commission for identification as Mississippi Choctaws...	43
Marriage record between Jeff Prendergast and Bessie Berry.....	49
Original application of Isaiah Prendergast before the Dawes Commission for identification as a Mississippi Choctaw.....	50

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Testimony of Pinckney Smith.....	54
Decision of the Commission refusing the application of Mary Jane McIlroy, et al., for identification as Mississippi Choctaws.....	56

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2905

In the matter of the application of Mary Jane McElroy for the identification of herself and minor child as Mississippi Choctaws.  
Mary Jane McElroy being called and sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Jane McElroy.  
Q How do you spell McElroy? A I can't spell.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield, Freestone County, Texas.  
Q How long have you lived there? A About four years.  
Q Where did you live before? A At Butler, Texas.  
Q How long have you lived in Texas? A I was born in Texas.  
Q And you never lived outside of the State of Texas? A No.  
Q What was your father's name? A Bob Hunt.  
Q Is he living? A I don't know; I don't think he is.  
Q What is your mother's name? A Mary Collins.  
Q Is that her name now? A Yes.  
Q She is living? A Yes.  
Q Is she divorced from your father? A Her first husband was Bob Hunt. And afterwards she married Peter Collins.  
Q Well is your mother divorced from Bob Hunt. A Well, he went off when they drove the Indians he lived with away.  
Q Through which one of your parents do you derive Choctaw blood?  
A Father.  
Q How much Choctaw blood do you claim? A My father was a full blood Choctaw Indian.  
Q Were your father and mother married? A No.  
Q Don't you know that you have no right to apply? A Well, it was slavery time; they were married off only by ceremony.  
Q Well was there a ceremony? A Yes.  
Q Who did marry them. A I don't know.  
Q Well how do you know that they were married? A Well, my mother always told me.  
Q Have you any evidence of that fact? A No.  
Q Could you get any evidence of their marriage? A I don't know that I could.  
Q How much Choctaw blood do you claim? A I claim a half.  
Q Are you married? A Yes, I have been married.  
Q What is your husband's name? A Charles McElroy.  
Q Is he living? A Yes.  
Q Are you divorced from him? A No, we were never married; we were only married by ceremony; during slavery time we could not marry by license; service; in service.  
Q Is your husband living? A Yes.  
Q Do you make application for him? A No.  
Q What is your husband? A African.  
Q Negro? A Yes.  
Q What was your mother? A She was African.  
Q Was she a slave? A Yes.  
Q Were you a slave? A Yes.  
Q Was your father a slave? A No, he was Indian, he was not slave.  
Q Do you remember your father? A No, never did see him.  
Q How do you know that he was not a slave? A My mother always told me so; my old mistress and all of them told me.



Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A One; eighteen years old, Edgar McIlroy.

Q M-c-I-l-r-o-y? A Yes.

Q Are you the mother of this child? A Yes.

Q What is the father's name? A Charles McIlroy.

Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or child to be enrolled as members of the Choctaw tribe? A No.

Q Did you or did any one for you or your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 18, 1896? A Not that I know of.

Q That is just five years ago; did you make any such application? A No.

Q Did you authorize anyone to make one for you? A No.

Q Do you have any reason to think that one was made for you? A No.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your child to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q You now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim your right now to identification as a Mississippi Choctaw? A Well, my mother always told me that I belonged to the Mississippi Choctaw Nation.

Q You are claiming that right then are you because your mother always taught you that you had Choctaw blood? A Yes.

Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A The fourteenth treaty of article 1830.

Q What do you mean by that? A I don't know, exactly what it means, but I think the white people got the Indians to leave the State of Mississippi and go to the West of the Mississippi River.

Q The law giving the Commission power to hear these applications for identification as Mississippi Choctaws gives it the right to identify those Indians who claim under the fourteenth article of the treaty of 1830. In 1830 the United States tried to make a treaty with the Choctaw Indians there in Mississippi and wanted to move the Indians and give them land West of the Mississippi River in exchange for their land in the State of Mississippi, but could not get any treaty with the Choctaw Indians until some provision was made for those Indians who wanted to stay in Mississippi; and article fourteen was made a part of the treaty for the benefit of those Indians who didn't want to come West. Article fourteen of the treaty of 1830 provides that each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall

not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay in Mississippi and if they went to the Indian agent there within six months after the treaty was ratified and tell him that they wanted to remain there in Mississippi and become citizens of the United States they would receive land there from the government and they would not lose the right of Choctaw citizenship by staying there in Mississippi and taking land from the Government but if they ever removed were not to receive any part of the Choctaw annuity, that is any part of the Choctaw moneys. Do you understand the provisions of that article of that treaty? A I believe I do now.

Q Is that the provision of law under which you are claiming? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors--do you know what is meant by the word ancestor? A My grandfather or grandmother.

Q --Or your great grandfather or great grandmother-- A Well I don't know them.

Q What was the name of your ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe in 1830 when the treaty was made between the United States and the Choctaw Indians? A Well, I don't know whether either one of them lived there; they was both slaves.

Q Well, are you talking about your mother's father or mother or--

A I am talking about my mother's father.

Q Did your mother's father or mother claim to be Indian? A No.

Q I thought you claimed your Choctaw blood through your father? A I do; I am talking about my grandfather.

Q Well you don't claim through your mother? A No.

Q Well do you claim any Choctaw blood through your mother's father and mother? A No.

Q The question I asked you was what is the name of your ancestor who was living in Mississippi in 1830 and was a recognized member of the Choctaw tribe of Indians? A Well, I don't know only what my mother taught me and she didn't teach me anything about my grandfather or grandmother on that side at all.

Q What was your father's name? A Bob Hunt.

Q How old a man would he be if living? A I don't know; he would be old I know.

Q Was he living in Mississippi in 1830? A I think he was.

Q Is there anyone living who could tell the Commission anything about that? A I don't know whether they could or not; I got some papers that I guess would state it, I got them here.

Q Are they affidavits? A They are just papers, I don't know whether they are affidavits or not.

Q Who made the papers out for you? A Judge Judge Predergast, and Eliza Predergast; they were my old ~~masters~~ owners.

Q They are living now are they? A Yes.

Q They knew your father? A I don't know, whether they are or not I reckon they did.

A I don't know about my old Mistress but the Judge-- I wasn't-- I wouldn't say for certain but I think he did.

Q Is there anybody else living who knew your father? A I don't know as there is.

Q Did your mother ever live in Mississippi? A I think she stayed in there a while, but not long.

Q Not long after what? A She stayed in Mississippi but not long, because she was sold about from place to place.

Q How long did your father and mother live together? A I don't know I think I have a paper that would state it.

Q Is there anybody living that knows anything about these things? A There aint nobody that I know of about my mother.

Q Does she know whether your father lived in Mississippi in 1830?

A Yes.

Q How old is she? A Ninety seven years old.

Q Where was she living in 1830? A I think in Richmond Virginia.

Q You don't know of anybody else living who knew your father? A No.

Q Could you bring your mother before the Commission to testify?

A She aint able to come; she lives in Dallas but aint able to get any where.

Q Could you get her deposition? A I might could get it.

Q Do you understand that it is very material to your case to have the testimony of somebody who knows of these things, or their evidence?

A Yes but I don't know anybody but my mother and she aint able to come here.

Q What was your father's father's name? A I don't know.

Q Do you know what his mother's name was? A No.

Q Do you know if he had any Choctaw name? A No.

Q Do you know anybody that would know about these things? A No, I don't know nobody that knows him but my mother; she is the only one that knows anything about it.

Q And you don't know whether your father was living in Mississippi in 1830 you say? A He came from Mississippi to Texas; when he was living there I don't know.

Q Do you know what time he came? A No.

Q When did your mother know him and live with him as his wife?

A I don't know.

Q Was that in Mississippi or Texas? A They lived together in Texas in Robinson County, near old Franklin.

Q Why did you say your father left your mother? A When the Indians was driv from down there.

Q Down where? A Robinson, Limestone Texas.

Q Who drove them? A The white people-that's what I have been told; I don't know who drove for I wasn't here.

Q You don't know then, whether your father came from Mississippi to the Indian Territory when the other Indians of the Choctaw nation came? A No, I don't know.

Q Do you know, if he didn't come West, if he went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he didn't want to come West but wanted to stay in Mississippi and become a citizen of the United States?

A No, I don't.

Q Did your father ever get any land in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever own any land which they received from the Government under this treaty of 1830? A Not that I know of.

Q Did any of them ever get any script from the Government under this treaty? A Not that I know of.

Q You say you don't know of anybody living who could testify about any of these facts in connection with your father before the Commission?

A No, my father lived there in the year before I was born.

Q Can you talk Choctaw? A No.

Q You say your mother knew your father in Texas? A Yes.

Q Do you know whether your mother lived in Mississippi in 1830? A No.

Q You don't know of anybody else living who knows whether your father was Choctaw Indian and whether your father and mother were married and how they were married- and whether he went to the Indian agent there and told him that he wanted to stay there in Mississippi- or whether he came West with the other Indians? A No only my mother.

Q Well your mother would not know that, would she? A No.

Q You say your mother knew your father in Texas? A Yes.

Q And you don't know whether your mother ever lived in Mississippi?

QA No, I don't know whether she ever stayed there or not.

Q Do you want to file these papers? A I don't know whether it would do any good or not.

Q Well if you want to file them the Commission will accept them.

A I don't know whether or not.

Q Well they won't do your case any harm; you can if you want to.  
A Well, I believe I will.

Affidavit of Mary Collins offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in your case. Affidavit of W.L. Prendergast offered in evidence by applicant, marked Exhibit "B" filed and made a part of the record in this case; affidavit of D.M. Prendergast offered in evidence by applicant marked Exhibit "C", filed and made a part of the record in this case.

Q Do you think it would be possible for you to get the evidence of any person living who knows more about these things than you-- who knew your father personally? A No; I don't know.

Q If you desire to offer any further evidence in support of your case either the oral testimony of witnesses, their depositions or affidavits you will be permitted to do so and the same will be made a part of the record in your case. A Well, I don't know of anybody.

The applicant in this case has black hair, slightly curly, and has very prominent cheek bones, black eyes and brown skin and shows slight traces of Indian blood; but her negro characteristics are very prominent the flat nose and thick lips especially, and the skin is the color of very many negroes who are mixed with the white race. She does not speak Choctaw and she knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Q She does not know her ancestors except her father and mother- does not even know the names of her father's ancestors. She does not know whether her father or any of his people lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Atoka, I. T. July 10, 1901.

Testimony of Pinckney Smith.

In the matter of the application of Paul Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. W.C.R. 2906

In the matter of the application of Mary Sims et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901, W.C.R. 2907

In the matter of the application of Jeff Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. W.C.R. 2908.

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. W.C.R. 2909

Pinckney Smith being called and sworn as a witness in these cases testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is your name? A Pinckney Smith.  
Q What is your age? A I will be August next fifty nine.  
Q What is your post office address? A Mexia Texas.  
Q Are you acquainted with applicants, Paul Prendergast, Mary Sims, Jeff Prendergast and Isaiah Prendergast, who have just made application here? A Yes.  
Q Are they any relation to you? A No none at all whatever.  
Q How long have you known them? A Been knowing them about twenty five years.  
Q Did you know their father? A Yes.  
Q What was his name? A Mack Prendergast.  
Q What was their mother's name? A Viney Prendergast.  
Q I asked you how long you had known these children--? A Ever since they was born.  
Q How long did you know their father? A About twenty-five years--that's what I was talking about.  
Q How long has he been dead--he is dead? A Yes; I don't know.  
Q About how long? A I don't know; I never did give it any notice.  
Q Did you know their mother? A Yes.  
Q Did you know whether their father and mother were married or not? A Yes.  
Q Were you present at the wedding? A No, I wasn't present; not at the wedding but I was living there in the neighborhood.  
Q You know when they were married do you? A Yes.  
Q You know that they always lived together as man and wife up to the time Mack Prendergast died? A Yes.  
Q You know that they were always regarded as legally married by the neighbors around there? A Yes.

Witness excused.

Henry C. Hains being duly sworn on his oath states that as stenographer



to the Commission to the Five Civilized Tribes be reported in full  
the testimony in the above cases on July 10, 1901, and that the  
above and foregoing is a full, true and correct transcript of his sten-  
ographic notes in said testimony on said date.

Henry G. Haines

Subscribed and sworn to before me this 27 day of August, 1901.

A. Henebaugh  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

Testimony of Mary Jane McElroy.

In the matter of the application of Mary Sims, et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2907

In the matter of the application of Jeff Prendergast et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909.

Mary Jane McElroy being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

Q What is your name? A Mary Jane McElroy.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield Texas.  
Q Are you acquainted with Mary Sims, Jeff Prendergast and Isaiah Prendergast who have just made application here? A Yes.  
Q How long have you known them? A All their life.  
Q What relation are you to them if any? A Their aunt.  
Q They are brothers and sisters are they? A Yes.  
Q They had the same parents, both the same father and mother? A Yes.  
Q What was their father's name? A Mack Prendergast.  
Q Is he living? A No.  
Q What is their mother's name? A Vinny Prendergast.  
Q Is she living? A Yes.  
Q Which one of their parents claimed to be Choctaw? A Their father.  
Q And were you related to their father or their mother? A My and their father was twins.  
Q You and their father, then, had the same father and mother? A Yes.  
Q And what was that mother's name? A Mary Collins.  
Q And what was that father's name? A Bob Hunt.  
Q And was your father or mother Choctaw? A My father.  
Q And your father is what relation to these children? A He is their grandfather.  
Q And they get their Choctaw blood through their father and their father's father? A Yes.  
Q Did you ever know Bob Hunt? A No.  
Q You never saw him? A No.  
Q You don't know then of your own knowledge whether he lived in Mississippi in 1830? A I don't know; my mother said he come from Mississippi but I don't know what time.  
Q Do you know whether your father went to the Indian Agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi and take land and become a citizen of the United States? A No.

To applicants: Q Is there anything else that you want to bring out

by this witness? A He not that I knew of.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*A. H. Hinebaugh*  
Notary Public.



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C.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Jane McElroy, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Mary Jane McElroy, et al.,	M.C.R. 2905
Mary Luvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909.

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Mary Jane McElroy for herself and her minor child Edgar McElroy; by Mary Luvenia Means for herself; by Simon Spence for himself and

his two minor children, Mary and Harrison Spence; by Paul Prendergast for himself and his minor child Melford Prendergast; by Mary Sims for herself and her three minor children, Viola, Arthene and Nelson Sims; by Jeff Prendergast for himself and his two minor children Edna and Jeffie Prendergast; and by Isaiah Prendergast for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Bob Hunt, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved

-3-

June 10, 1896 (29 Stat., 121).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bob Hunt, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Luvenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthema Sims, Melven Sims, Jeff Prendergast, Eula Prendergast, Jeffie Prendergast and Isaiah Prendergast, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Jane Dixey.

Acting Chairman.

T. L. Woodies.

Commissioner.

Muskogee, Indian Territory,

C. R. Brockinridge.

Commissioner.

OCT -7 1902

Muskogee, Indian Territory, September 10, 1901.

Benie Means,  
Care Pinckney Smith,  
Mexico, Texas.

Dear Madame:-

Receipt is hereby acknowledged of your letter of August 17th, in which you ask to be informed if John Lewis, a Choctaw Indian gave testimony before the Commission at Atoka in the cases wherein Jane MacElroy, Mary Simms, Paul Prendergast and brothers, and yourself are applicants. You state that said applications were made on the 10th and 11th of July.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Benie Means has appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Mary Lavenia Means, of Mexico, Texas, forty-five years old, the daughter of Sip and Ann Means, applied for identification as a Mississippi Choctaw on July 11th, 1901.

On July 10th, Mary Jane McElroy and Mary Simms appeared before the Commission as applicants for identification as Mississippi Choctaws. On July 10th, Paul Prendergast and Jeff Prendergast, sons of Mack and Nina Prendergast, appeared before the Commission as ap-

B. M., #2.

applicants for identification as Mississippi Cheetaws. It does not appear from our records that any other brother of Paul Prendergast has ever appeared before the Commission as an applicant for identification as a Mississippi Cheetaw.

You are advised that the testimony of John Lewis has not been taken before the Commission at Atoka in these cases. If you wish to offer the testimony of John Lewis in support of these applications, and will bring him before the Commission, he will be examined orally in behalf of these applicants.

Yours truly,

M.C.2903  
M.C.2906  
M.C.2907  
M.C.2908  
M.C.2913.

COPY.

M.C.R. 2905

Muskogee, Indian Territory, October 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	M.C.R. 2905
Mary Luvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M.N. & C. 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Javonia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Holford Prendergast, Mary Sims, Viola Sims, Arthene Sims, Melven Sims, Jeff Prendergast, Lula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, October 7, 1902.

Mary Jane McElroy,  
Fairfield, Texas.

Dear Madam:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	H.C.R. 2905
Mary Luvenia Means,	H.C.R. 2913
Simon Spence, et al.,	H.C.R. 2914
Paul Prendergast, et al.,	H.C.R. 2906
Mary Sims, et al.,	H.C.R. 2907
Jeff Prendergast, et al.,	H.C.R. 2908
Isaiah Prendergast,	H.C.R. 2909

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 496) which is as follows

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the



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evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Luvenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthens Sims, Melven Sims, Jeff Prendergast, Bula Prendergast, Jeffis Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be notified in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 2905

Muskogee, Indian Territory, October 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Jane McElroy, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 7, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Mary Jane McElroy, et al.,	M.C.R. 2905
Mary Lavenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being at-

Sec.- 2

tached to the record.

Respectfully,

through the Commissioner  
of  
Indian Affairs.

Acting Chairman.

1 enclosure

C O P Y.

Land  
66365-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, Nov. 10, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith a report made October 7, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated case of Mary Jane McElory, et al., applicants for identification as Mississippi Choctaws claiming rights under the fourteenth article of the treaty of 1830.

Mary Jane McElory applies for the identification of herself and her minor child, Edgar; Mary Luvenia Means for herself; Simon Spence for himself and his two minor children, Mary and Sampson; Paul Prendergast for himself and his minor child, Melford; Mary Sims for herself and her three minor children, Viola, Arthema and Nelven; Jeff Prendergast for himself and his two minor children, Eula and Jeffie; and by Isaiah Prendergast for himself.

October 7, 1902, the Commission held that the applicants were not entitled to identification. Descent is claimed from one Bob Hunt, alleged to have been a Choctaw Indian residing in Mississippi in 1830. The applicants are not full-blood Choctaw Indians. An examination of the record of this office fails to show that Bob Hunt received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or complied or attempted to comply with

-2-

with the provisions of that article; neither does it appear that he applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of his rights.

It is therefore respectfully recommended that the decision of the Commission rejecting his application be affirmed.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

EBH  
D

3 inclosures.

D.C. 22504

C O P Y.

EAF.

DEPARTMENT OF THE INTERIOR.

ITD. 6976-1902

WASHINGTON.

November 20, 1902.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

October 7, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Mary Jane and Edgar McElroy; of Mary Luvenia Means; of Simon, Mary and Sampson Spence; of Paul and Melford Prendergast; of Mary, Viola, Arthema and Melven Sims; of Jeff, Eula and Jeffie Prendergast; and of Isaiah Prendergast.

The applicants endeavor to trace their descent from one Bob Hunt, alleged to have been a full blood Choctaw Indian. The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Bob Hunt complied or attempted to comply with article XIV of the treaty of September 27, 1830 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the applications October 7, 1902.

The Commissioner of Indian Affairs forwarded the papers November 10, 1902, and recommended your decision be approved. A copy of his letter is inclosed.

Having carefully considered the entire record in the case, the Department affirms the decision.

Respectfully,

1 inclosure.

Thos. Ryan,  
Acting Secretary.

M C R 2905

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McElroy, et al., of which decision you were advised by mail on the 7th day of October, 1902.

Respectfully,

Acting Chairman.

M C R 2908

Muskogee, Indian Territory, December 5, 1902.

Mary Jane McElroy,  
Fairfield, Texas.

Dear Madam:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McElroy, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

Acting Chairman.



M. C. R. 2905

Muskogee, Indian Territory, December 9, 1902.

de Graffenreid & Soruggs,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

~~You are hereby notified that on the 20th day of November,~~  
1902, the Secretary of the Interior affirmed the decision of this  
Commission refusing the applications for identification as  
Mississippi Choctaws of the several persons included in the con-  
solidated case of Mary Jane McElroy, et al.

Respectfully,

(SHE:AL

*James D. Dyer*  
Acting Chairman.

M C R 2906

Muskogee, Indian Territory, August 7, 1906.

T. B. Losey,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th ultimo, requesting to be advised the status of the citizenship of Will Mackelroy of Daisy, I. T., who claims to have been enrolled by his mother at Atoka, in June, 1902.

Although you do not so state, it is presumed you have reference to any rights this party might have as a citizen of the Choctaw Nation.

It appears from the records of this office that at Atoka, Indian Territory, July 10, 1901, Mary Jane McElroy, then about fifty-five years of age, post office address Fairfield, Texas, made application for the identification of herself and her son Edgar McElroy as Mississippi Choctaws, stating at that time that her father was Bob Hunt; her mother, Mary Collins; and her husband, Charles McElroy.

No application was submitted by Mary Jane McElroy on behalf of William McElroy, presumably because he was of age at that time, as you state in your letter that he is now thirty-five years old. Children of age or married had to present their own applications for identification as Mississippi Choctaws.

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The application for the identification of Mary Jane and Edgar McElroy as Mississippi Choctaws was refused by a decision of the Commission to the Five Civilized Tribes rendered October 7, 1902. This decision was affirmed by the Secretary of the Interior November 20, 1902.

You are further advised that it does not appear that any application has ever been submitted by or on behalf of William Mackelroy or William McElroy for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

REFER TO M. C. R. 2905

Mary Jane McElroy  
son

Consolidated Case

**CARD No.**

NAME \_\_\_\_\_

RESIDENCE  
DISTRICT

**POST OFFICE**

Age

25

Martha Ann Hunt 1/2 negro slave mar. Scip means negro slave	Mary Emma Hunt 1/2 negro slave dead
Richard Spence 1/2 negro slave wife Margaret Spence negro slave	Simon Spence 23 1/4 wife Mary Spence negro
	Mary Spence 3 Sampson Spence

Bob Hunt, free black  
 wife  
 \* Mary Collins, negre  
 \* learned a second time  
 or later

Note: the names of the children  
 of Bob Hunt are given back  
 as Hunt & Prudergast

Mack Prudergast 55 1/2 negro slave dead wife Viola (or Vincy) Prudergast negro slave	Paul Prudergast 3 1/4 wife Fannie Prudergast negro	Melford Prudergast 11
Viola (or Vincy) Prudergast negro slave	Harvey Prudergast wife Mary Prudergast 3 1/4 mor Ben Sims negro	Viola Sims 13 Archina Sims 11 Nelson Sims 10
	Jeff Prudergast 2 1/4 wife Bessie Prudergast negro	Eula Prudergast 13 Jeffie Prudergast 10
	Isaiak Prudergast 2 1/4	
Mary Jane Hunt 55 1/4 man Charles M. Clary negro	Edgar M. Clary 13	

No. 2905

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name Mary Jane McElroy

Age 55 Blood  $\frac{1}{2}$

Post Office, Fairfield, Texas

Father: Bob Hunt (don't know)

Mother: Mary Collins

Claims through father  
husband: Charles McElroy  
(no claim for him)

Children:

Edgar McElroy 18

Claims for self and one  
child

Stenographer

Henry G. Hains

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2906

In the matter of the application of Paul Prendergast for the identification of himself and his minor child as Mississippi Choctaws. Paul Prendergast being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Paul Hunt.  
(Some one interrupts and says that he goes by the name of Paul Prendergast from his owner.)  
Q What name do you go by now? A Paul Prendergast.  
Q That's the name that your neighbors and friends know you by? A Yes.  
Q What is your post office address? A Pearsley, Texas, Navarro Co.  
Q How long have you lived there? A I have been living in, this makes eleven years- I went from Freestone County to Navarro in the year '90.  
Q How long have you lived in Texas? A Well, nearly all my life excluding three years- I spent three years from 15 to 18 in New Mexico.  
Q Were you born in Texas? A Yes.  
Q And lived there all your life except the three years between 15 and 18 that you spent in New Mexico? A Yes.  
Q What is your father's name? A Mack Prendergast.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Vina Prendergast.  
Q Is your mother living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
Q I claim it through my father.  
Q How much Choctaw blood do you claim? A I claim- I don't know, really well; he claims my grandfather was- I have always been taught was full blood Choctaw Indian; I claim a quarter.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of their marriage? A No; I haven't got any evidence of their marriage- I could get it I suppose- it would be away back; they were married the second year of the surrender.  
Q Did they get a license? A Mr. Norman Farrell he is deceased; he married them.  
Q Did he give them a certificate? A He married them; I suppose, for he was a preacher as long as I can remember.  
Q You don't remember much about it though? A No, no more than what I have heard said about it.  
Q Can you get any evidence of that marriage? A I don't know, if I thought it was needed I could send to Fairfield- that was the County seat, and is today, in Freestone County; as soon as I can come at it- I always remember hearing my father say that he married the second year of the surrender.  
Q If there is not any Court record of that marriage that you can secure the Commission will accept the affidavit of two disinterested persons who were present at your father's and mother's marriage; do you think you can get any one? A No, I don't think I could get them, cause Mr. Hodge Farrell is deceased, and so is his mother Mistress Ann Farrell.  
Q Could you get the evidence of any people who knew your father and mother where they lived and whether they lived together as man and wife and were so regarded by all the neighbors? A Yes.  
Q It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as Mississippi Choctaw. A Yes, I have witnesses here knowing that and I could get several witnesses, I suppose a hundred in Texas who could witness that.

Choctaw MCR 2906

Paul Prendergast

MCR 2906



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2906

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Examination by the Commission:

- Q What is your name? A Paul Hunt.  
(Some one interrupts and says that he goes by the name of Paul Prendergast from his owner.)  
Q What name do you go by now? A Paul Prendergast.  
Q That's the name that your neighbors and friends know you by? A Yes.  
Q What is your post office address? A Pearsley, Texas, Navarro Co.  
Q How long have you lived there? A I have been living in, this makes eleven years- I went from Freestone County to Navarro in the year '90.  
Q How long have you lived in Texas? A Well, nearly all my life excluding three years- I spent three years from 15 to 18 in New Mexico.  
Q Were you born in Texas? A Yes.  
Q And lived there all your life except the three years between 15 and 18 that you spent in New Mexico? A Yes.  
Q What is your father's name? A Mack Prendergast.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Vina Prendergast.  
Q Is your mother living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
Q I claim it through my father.  
Q How much Choctaw blood do you claim? A I claim- I don't know, really well; he claims my grandfather was- I have always been taught was full blood Choctaw Indian; I claim a quarter.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of their marriage? A No; I haven't got any evidence of their marriage- I could get it I suppose- it would be away back; they were married the second year of the surrender.  
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Q If there is not any Court record of that marriage that you can secure the Commission will accept the affidavit of two disinterested persons who were present at your father's and mother's marriage; do you think you can get any one? A No, I don't think I could get them, cause Mr. Hodge Farrel is deceased, and so is his mother Mistress Ann Farrel.  
Q Could you get the evidence of any people who knew your father and mother where they lived and whether they lived together as man and wife and were so regarded by all the neighbors? A Yes.  
Q It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as Mississippi Choctaw. A Yes, I have witnessed here knowing that and I could get several witnesses, I suppose a hundred in Texas who could witness that.

Q Are ther any here that knew your father and mother when they were living together? A They know in this case-- he was a play boy of my father-- that gentleman over there.

Q Wht is the name of the one that was a play boy with your father? A Pinckney Smith.

Q Are you married? A Yes.

Q What is your wife's name? A Fannie Prendergast.

Q P-r-e-n-d-e-r-g-a-s-t? A Yes.

Q Is she living? A Yes.

Q Do you make application on behalf of your wife? A No.

Q What is she? A Negro.

Q What was your mother? A She was negro too.

Q Was she a slave? A Yes.

Q Were you a slave? A No, I was born the second year of the surrender.

Q Did you say your father was a half blood Choctaw? A Yes.

Q What was his other half? A I suppose it would be negro.

Q Have you any children for whom you wish to make application at this time? A Yes one.

Q Give the name and age. A Melford Prendergast (Boy), going on eleven, will be eleven the 10 of Agust.

Q M-e-l-f-o-r-d? A Yes.

Q You are the father of this child? A Yes.

Q What is the name of its mother? A Fannie Prendergast.

Q When and where were you married to her? A In Freestone County in 1889.

Q Did you obtain a license to marry? A Yes.

Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A By ordained minister of the Gospel.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I haven't got the marriage certificate-- these were all sent down here-- he said he would like to look them up and would send them in as soon as possible, as soon as I can get back home.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of your application for the minor children.

Q Is your name or is the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not by Prendergast it aint.

Q Is your name on any of the rolls of the Choctaw Nation in the Indian Territory? A That's what I have been taught.

Q That your name is on the roll in the Indian Territory? A That the Prendergast name aint.

Q Have you ever been taught that you were on the roll? A No.; I haven't been taught that I was on the roll by any name.

Q Do you know what that means? A No.

Q It means was your name ever placed on the Choctaw rolls here in the territory? Not that I know of.

Q You didn't appear before the Choctaw Council and ask to have your name put on the rolls? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No, not before.

Q This is not the tribal authorities, this is the authorities of the United States; you have never made application to the Choctaw tribal authorities, that means to the Choctaw Council, to the Commission of citizenship, ? A I don't understand; I never made any application to be enrolled as Choctaw before this time; no never before.

Q Well you are making application now to the authorities of the United States and not to the tribal authorities? A Yes.

Q Did you or did any one for you in 1896 or for your child make application to the Commission to the Five Civilized Tribes, in 1896, that's five years ago- for citizenship in the Choctaw Nation under the

Act of Congress of June 10, 1896? A No.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, that is this Commission, or by judgment of the United States Court in Indian Territory? A No.

Q You understand what these questions mean, do you? A I suppose I do, we never made any application? A

Q And never were admitted by the Courts here? A No.

Q And never were admitted by the Dawes Commission? A No; never before.

Q You are not admitted now; you are just making application. A I say I never have been admitted-

Q by the Dawes Commission? A No.

Q You never have been admitted by the Choctaw Council? A No, I never have.

Q Nor your child? A No.

Q Have you ever made application before this time to the Choctaw tribal authorities, that is the Choctaw Council to have yourself or child admitted or enrolled as citizens of the Choctaw Nation? A No.

Q This is the first application you have ever made? A Yes, ever made in my life.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right? A Only from what I have been taught very early to know that my grandfather was a full-blood Choctaw Mississippi Indian, that is I was taught that by my father.

Q You are making your claim now because you were taught you have Choctaw blood? A Yes, I was taught that by my father. He claimed a half.

Q You are making this application now because you always were taught that you had Choctaw blood? A Yes.

Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A Yes, by 1830.

Q Under any particular article or the whole treaty? A Well, I don't really know now.

Q On 1830 the United States wanted to make a treaty with the Choctaw Indians to move them from the State of Mississippi to give them lands over here West of the Mississippi over here in the Indian Territory in exchange for their lands there in Mississippi; but they found they could not get any treaty with the Indians until they made some provision for those Indians who wanted to stay in Mississippi; so article fourteen was made a part of the treaty for the benefit of those Indians who didn't want to come West. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Gent within six years from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could remain in the State of Mississippi and become citizens of the United States and if they went to the Indian agent there within six months after that treaty was made and told him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States could receive land from the Government and would not lose the right of a Choctaw citizen but if they ever removed were not to receive any part of the Choctaw annuities, that is the Choctaw moneys. Is this the provision you claim

under? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not that I know of.

Q Do you know what is meant by the word ancestor? A That would be my grandfather, great grandfather or someone like that.

Q Yes, any of your forefathers in a direct line back. A Yes.

Q What was the name of your ancestor or ancestors who were living in Mississippi in 1830 at the time this treaty was made and recognized members of the Choctaw tribe? A I don't know myself.

Q What was the name of your father's father? A I don't know no more than it was a Hunt- so I was taught.

Q Do you know what his first name was? A No; father used to tell me what her great grandfather was but I don't know.

Q What was your father's mother's name? A Mary Collins- her name today is that.

Q You don't know what the name of her husband, your grandfather, was?

A Well, she had one by the name of Bob Hunt and another by, she said went by the name of Peter Collins.

Q Which one was your grandfather? A Bob Hunt; so my father taught me.

Q Q You said a little while ago, did you, that your grandfather was a full blood Choctaw? A Yes that's what I have been taught that he was full blood.

Q Did he live in Mississippi in 1830? A I don't know.

Q Do you know what his father's name was? A No.

Q Do you know what his mother's name was? A No.

Q Do you know if Bob Hunt had any Choctaw name? A No.

Q Do you know if Bob Hunt or any other of your ancestors came West to the Indian Territory from Mississippi when the other Indians did from 1833 to 1838? A No, I don't; I don't know whether he came West or remained in Mississippi.

Q Do you know, if he didn't come West, did he go to the Indian agent there in Mississippi and tell him that he wanted to stay and become a citizen of the United States? A I don't know.

Q Did you ever see your grandfather? A No.

Q Did you ever hear whether he lived or lived and died in Mississippi or not? A No, I remember when I was quite small my father used to come up to see her.

Q Where did he live then? A I don't know; the old man is dead and I learn that some of the relatives live eight miles from Caddo.

Q That is some of your father's relatives? A I don't know, I remember he used to come x up here once a year to see them.

Q That is your father you are talking about? A Yes.

Q Is there anybody living who could testify on these points, who could tell the Commission about your grandfather and wheter he lived in Mississippi in 1830? A I don't know unless it is grandma- she is about 97 years old; that's the only one I refer to can't be here.

Q Did she ever live in Mississippi? A I don't know whether she did or not; but I heard it said that she had been in Mississippi, I can't tell how long I can't tell whether she was there under her owners or whether they just happened there passing through or stayed.

Q What is this grandmother's name? A Mary Collins.

Q She does not claim to be Indian? A No, she is African, negro, I reckon you might say she is really darkey.

Q Do you think she knows anything personally about whether your grandfather lived in Mississippi in 1830 or whther he went to the Indian agot and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No, I don't know that; black people at that time never knew much about such things, at that age of the world.

Q You don't know of anybody else living who would be able to tell the Commission anything about these facts? A (No answer).

Q Do you know what is meant by knowing a thing personally? A To know it yourself, to have a thing or know it yourself.

Q Do you know anybody that knows these things like that? A I can bring you lot of people; no I don't know of anybody that I could refer

to that would know my grandfather.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Did any of them ever hold any land which they received from the Government under the treaty of 1830? A No not that I know of.

Q Did any of them ever get any scrip? A Not that I know of; I don't know what scrip is.

Q Well, sometime along in 1840 or 1850 some of these Indians applied to the Commissioners who had been appointed under Acts of Congress and claimed that they had rights to stay there in Mississippi and he had not put their names down. So Congress passed acts appointing men to come down there and look into the matter; and they passed upon many claims and after they passed and found that the applicant had gone to the Indian agent and tried to register and have lived there five years after the treaty was ratified, and if the land that they claimed was owned or held by somebody else, they gave him scrip, a kind of paper to show that he was entitled to land in some of the States near to Mississippi, Arkansas, Alabama; and this is what I mean when I ask you about scrip? A Not that I know of, they didn't.

Q Do you speak Choctaw? A No.

The applicant in this case is black; has curly black hair and black mustache- his face is broad and his cheek bones are rather prominent and his nose is somewhat like an Indian's; his lips are rather thick and he seems to show slight traces of Indian blood, although his negro characteristics are plainly marked. He does not speak the Choctaw language and knows nothing about his ancestors' having complied with the provisions of the fourteenth article of the treaty of 1830. He does not know his ancestors except his father and mother and does not know whether his grandfather through whom he claims the right to identification lived in Mississippi in 1830.

Q Have you any paper that you want to file now? A Nothing but this.

Affidavit of Viney Hunt offered in evidence by applicant, marked Exhibit "A", filed and made a part of the record in this case;

Mary Jane McElroy being called and sworn as a witness in this case, testified as follows in behalf of applicant:

Q What is your name? A Mary Jane McElroy

Q What is your age? A Fifty five.

Q What is your post office address? A Freestone, Butler Texas.

Q You gave your post office before as Fairfield, Texas. A That's so.

Q Now what is right? A Fairfield, Texas.

Q Do you know the applicant, Paul Prendergast? A Yes.

Q What relation is he to you? A My nephew.

Q What was his mother's name? A Viney Prendergast.

Q What is his father's name? A Mack Prendergast.

Q Did his father or his mother claim Choctaw Indian blood? A Father.

Q What relation was his father to you? A We was twins.

Q Through which one of your parents do you and your twin brother derive your Choctaw blood? A Father.

Q And what was that father's name? A Bob Hunt.

Q And your father was the grandfather of this applicant, Paul Prendergast? A Yes my father was his grandfather.

Q Did you know your father? A No, didn't know him at all.

Q You don't know whether he lived in Mississippi in 1830? A No.

Q Or whether he came West with the other Indians from Mississippi to the Territory between 1833 to 1838? A No.

Q You don't know whether he went to the agent there in Mississippi and told him that he wanted to stay there and become a citizen of the



Q You don't know whether he went to the agent there in Mississippi and told him that he wanted to stay there and become a citizen of the United States? A No.

Witness excused.

To applicant:

Q You say that you don't know any witnesses who could testify anything about your grandfather, about his living in Mississippi in 1830 or his being Choctaw Indian-- anything at all about him, except your grandma? A Grandma is all that I could refer to unless Baker Prendergast is nowhere, he is deceased.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses their depositions or affidavits the Commission will accept the same and make it a part of the records in this case.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Haine*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Linebaugh*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Atoka, I. T. July 10, 1901.

Testimony of Pinckney Smith.

In the matter of the application of Paul Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2906

In the matter of the application of Mary Sims et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901, M.C.R. 2907

In the matter of the application of Jeff Prendergast et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908.

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909

Pinckney Smith being called and sworn as a witness in these cases testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is your name? A Pinckney Smith.  
Q What is your age? A I will be August next fifty nine.  
Q What is your post office address? A Mexia Texas.  
Q Are you acquainted with applicants, Paul Prendergast, Mary Sims, Jeff Prendergast and Isaiah Prendergast, who have just made application here? A Yes.  
Q Are they any relation to you? A No none at all whatver.  
Q How long have you known them? A Been knowing them about twenty five years.  
Q Did you know their father? A Yes.  
Q What was his name? A Mack Prendergast.  
Q What was their mother's name? A Viney Prendergast.  
Q I asked you how long you had known these children--? A Ever since they was born.  
Q How long did you know their father? A About twenty-five years-- that's what I was talking about.  
Q How long has he been dead--he is dead--? A Yes; I don't know.  
Q About how long? A I don't know; I never did give it any notice.  
Q Did you know their mother? A Yes.  
Q Did you know whether their father and mother were married or not? A Yes.  
Q Were you present at the wedding? A No, I wasn't present; not at the wedding but I was living there in the neighborhood.  
Q You knew when they were married do you? A Yes.  
Q You knew that they always lived together as man and wife up to the time Mack Prendergast died? A Yes.  
Q You know that they were always regarded as legally married by the neighbors around there? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full the testimony in the above cases on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

A. W. Linebaugh  
Notary Public.



Muskogee, Indian Territory, August 6, 1901.

Mr. Eugene Paul Prendergast,  
Pursley, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 27, enclosing certified copy of marriage license and certificate between Eugene Prendergast, and Fannie Harris. You state that in applying for your license you requested Mr. J. J. Dunbar to get it for you and he gave your name as Eugene but should have given it as Eugene Paul Prendergast. You state that at the time you applied for identification as a Mississippi Choctaw you gave your name as Paul Prendergast but that you are the same Prendergast and your wife the same Fannie Harris whose names appear in the marriage license. The marriage license and certificate have been made a part of the record in your case.

Yours truly,

MC-2906

Muskogee, Indian Territory, September 10, 1901.

Benie Means,  
Care Pinckney Smith,  
Mexico, Texas.

Dear Madame:-

Receipt is hereby acknowledged of your letter of August 17th, in which you ask to be informed if John Lewis, a Choctaw Indian gave testimony before the Commission at Atoka in the cases wherein Jane MacElroy, Mary Simms, Paul Prendergast and brothers, and yourself are applicants. You state that said applications were made on the 10th and 11th of July.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Benie Means has appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Mary Lavenia Means, of Mexico, Texas, forty-five years old, the daughter of Sip and Ann Means, applied for identification as a Mississippi Choctaw on July 11th, 1901.

On July 10th, Mary Jane McElroy and Mary Simms appeared before the Commission as applicants for identification as Mississippi Choctaws. On July 10th, Paul Prendergast and Jeff Prendergast, sons of Mack and Bina Prendergast, appeared before the Commission as ap-

W. H., #2.

applicant for identification as Mississippi Cheetaw. It does not appear from our records that any other brother of Paul Prendergast has ever appeared before the Commission as an applicant for identification as a Mississippi Cheetaw.

You are advised that the testimony of John Lewis has not been taken before the Commission at Atoka in these cases. If you wish to offer the testimony of John Lewis in support of these applications, and will bring him before the Commission, he will be examined orally in behalf of these applicants.

Yours truly,

M. C. 3905  
M. C. 3906  
M. C. 3907  
M. C. 3908  
M. C. 3913.

M.C.R. 2906  
COPY.

Muskogee, Indian Territory, October 7, 1902.

Paul, Prendergast,  
Pursley, Texas.

Dear Sir:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McKelroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McKelroy, et al.,	M.C.R. 2905
Mary Juvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

P. P. 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Juvenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthens Sims, Nelson Sims, Jeff Prendergast, Eula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Very truly yours,

James S. Sims,  
Acting Chairman.

Registered.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 2906

ADDRES ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 5, 1902.

Paul Prendergast,  
Pursley, Texas.

Dear Sir:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McKelroy, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

Acting Chairman.

No. 24113

For Identification as a Mississippi Choctaw.

Date JUL 10 1951

Name

Paul Prendergast  
~~Scott~~

Age

34

Blood

1/4

Post Office,

Pursley Texas

Father:

Mack Prendergast Head

Mother:

Vina Prendergast

Claims through

father

wife: Fannie Prendergast  
(No claim for her)

Children:

Melford Prendergast 11

Claims for self and child

Stenographer

Henry B. Hains

2906

COMMISSIONER, BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D. C.  
MISSISSIPPI TO THE FIVE CIVILIZED TRIBES  
FILED

NOV 18 1902

*[Handwritten signature]*

ACTING CHAIRMAN







22  
159

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Paul Prendergast  
Pursley  
Texas

Record of Fair Civilized  
Libres one copy of the  
Testimony. M.C.R. 2906. of  
Paul Prudergast.

Jan. 4, 1902.

de Chaffin & Scruggs

**Bailey & Payne,**  
-Dealers in-  
**General Merchandise**  
**and Drugs.**

Pursley, Texas, July 27 1901.

Jawes Commission  
Atoka

Dear Sirs -

Enclosed you will  
find the testimony of Eugene  
Pendergast and Fannie Harris  
as it appears on the marriage  
license list at Fairfield, Texas  
In applying for my license  
I requested Mr J. E. Dumbear  
to get them for me and  
he gave my name Eugene  
but should have ~~given~~ given  
it as Eugene Paul Pendergast  
In giving my name to the  
Commission I gave it as Paul

11543  
Prundergast. I am the same  
Prundergast & my wife is the  
same Fannie Harris. as shown  
in Marriage license.

Hoping you will give  
this your careful consideration  
I am

Eugene Paul Prundergast

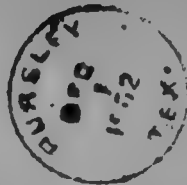
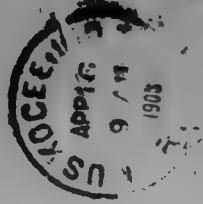
CONFIDENTIAL

File with MC 7926.

Page 2 of 2

APR 17 1961

2906



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 17 1903

A handwritten signature in dark ink, appearing to be "J. H. ...".

CHAIRMAN.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Paul Prendergast,

~~Paris, Texas~~

Paul Prendergast et al

PAUL PRENDERGAST U.

2000

NOV 2 1902

Choctaw MCR 2907

Mary Sims

MCR 2907



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

2907

In the matter of the application of Mary Sims for the identification of herself and her three minor children as Mississippi Choctaws. Mary Sims being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Sims.  
Q What is your age? A Going on thirty.  
Q How do you spell your name? A S-i-m-s.  
Q What is your post-office address? A Mexia, Texas.  
Q How long have you lived there? A In that County all my days.  
Q Were you born there? A Yes.  
Q Never lived anywhere else? A No.  
Q What is your father's name? A Mack Prendergast.  
Q Is he living? A No, he is deceased.  
Q What is your mother's name? A Viney Prendergast.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A My father claimed a half I do a quarter.  
Q you say your father was a half? A Yes.  
Q What was the other half? A Negro.  
Q Was your father ever a slave? A Yes.  
Q What was your mother? A She was negro.  
Q Was she ever a slave? A Yes.  
Q Were you ever a slave? A No.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of that fact? A Yes; of people here- I have no papers, but my aunt there and that fellow that came up here for my brother--Pinckney Smith- he could testify to that.

Copy of the testimony given by Pinckney Smith will be filed in this case.

- Q Did your father ever get any marriage certificate? A He married by license; a preacher Farrell married him.  
Q Did he give your father any certificate? A I don't know.

It would be better to file marriage certificate if you can get it; if you cannot, the Commission will file any other evidence; if you can get it and send it in the Commission will accept the affidavits of two disinterested witnesses, persons, who know.

- Q Are you married? A Yes.  
Q What is your husband's name? A Ben Sims.  
Q Is he living? A Yes.  
Q What is he? A Negro.  
Q Do you make any application for him? A No.  
Q Have you any children for whom you wish to make application at this time? A Yes three.  
Q Give the names and ages of these children. A Viola, thirteen; Arthema (Girl), eleven-  
Q Spell that. A A-r-t-h-e-m-a, I reckon I can't spell it.  
Q Next? A Nelven (Boy), ten-  
Q Spell that; N-e-l-v-e-n? A Yes.  
Q Is that all your children? A Yes.

Q You are the mother? A Yes.

Q What is the name of their father? A Ben Sims.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.

Q Did you or did any one for you or your children in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled, yourself and children, as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Do you now make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to identification as Mississippi Choctaws? A Through my father.

Q What do you claim through your father? A One quarter Choctaw blood.

Q Do you make your claim now because you have always been taught that you have Choctaw blood? A Yes.

Q Do you claim your right under any treaty? A I don't know anything about the treaties- but the fourteenth article of the treaty of 1830.

Q Do you understand that article of that treaty? A No.

Q In 1830 the United States wanted to make a treaty with the Choctaw Indians living in Mississippi in order to remove them from the State of Mississippi and exchange their lands in that State for lands West of the Mississippi River in order that the State of Mississippi could be thrown open to white settlement, but found there could not be any treaty made until some provision was made for those Choctaw Indians who did not want to come West; so article fourteen was made a part of the treaty of 1830 for the benefit of those Indians who wanted to stay in the State of Mississippi. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to a reservation of one half that quantity for each unmarried child while may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could stay there in Mississippi by going to the Agent in Mississippi and telling him, within six months after the treaty was made that they wanted to stay there in Mississippi and become a citizen of the States; and if they did that they would receive land from the Government there in Mississippi and would not forfeit the privileges of Choctaw citizenship but if they ever removed were not to receive any portion of the Choctaw annuities, that is their yearly moneys. Do you claim under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Not as I know of.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw nation in Mississippi and Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when this treaty was entered into between the United States and the Choctaw nation? A I don't know. I know my grandmother and she had always taught us that our grandfather was full blood Choctaw Indian, but we never did see him.

Q You don't know whether he lived in Mississippi, in 1830 or not? A No.

Q What was his name? A My grandfather?

Q Yes. A Bob Hunt; so she taught us.

Q What was your grandmother's name? A Mary Collins.

Q And they were the father and mother of your father? A Yes.

Q Do you know Bob Hunt's father's name? A No.

Q Do you know Bob Hunt's mother's name? A No.

Q Do you know if Bob Hunt had any Choctaw name? A No.

Q Do you know if Bob Hunt removed from the old Choctaw nation there in Mississippi to the Choctaw nation in the Indian Territory when the other Indians came here between 1833 to 1838? A No.

Q Do you know whether he went to the Indian agent there in Mississippi within six months after the treaty was made and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No.

Q Is there anybody living who could testify as to these points?

A I don't know only my grandmother.

Q Did she live in Mississippi in 1830? A I don't know- she was sold about in places.

Q How old is she? A Ninety seven.

Q Do you know whether she was living in 1830? A I don't know.

Q Do you know whether she knew your grandfather at that time? A No, I don't know.

Q You don't know whether she knows now anything about these matters herself? A No, I don't think she does- her being in slavery.

Q Do you know of anybody who could tell the Commission anything about it? A No; we heard that some Hunts were living here in the Territory but we are not acquainted with them- don't know whether they are any relatives of ours.

Q Do you know if Bob Hunt or any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not as I know of.

Q Do you know if any of them ever owned any land from the Government under the treaty of 1830? A I don't know.

Q Did any of them ever get any scrip--? A I don't know.

Q Have you any documentary evidence, any affidavits or papers of any kind? A We have the marriage subscription.

Q Do you want to file it? A I don't know.

Q If you want to file it the Commission will accept it. A Yes.

Certified copy of marriage license and certificate between Ben Sims and Mary Prendergast offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case.

Q Can you speak Choctaw? A No.

Q Did you ever know your grandfather Bob Hunt? A No; never seen him.

Q You knew your father did you? A Yes.

The applicant in this case has kinky curly black hair, brown eyes, brown skin; cheek bones are a trifle high, but her hair and thick lips show marked negro characteristics. She does not know of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830; she does not know any of her ancestors except her father and mother and does not know her grandfather through whom she claims the right to identification as a Mississippi Choctaw lived in Mississippi in 1830 or was Choctaw Indian.

Henry G. Haine being first duly sworn on his oath states that as sten-

ographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry J. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Linebaugh*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Atoka, I. T. July 10, 1901.

Testimony of Pinckney Smith.

In the matter of the application of Paul Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2906

In the matter of the application of Mary Sims et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901, M.C.R. 2907

In the matter of the application of Jeff Prendergast et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908.

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909

Pinckney Smith being called and sworn as a witness in these cases testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is your name? A Pinckney Smith.  
Q What is your age? A I will be August next fifty nine.  
Q What is your post office address? A Mexia Texas.  
Q Are you acquainted with applicants, Paul Prendergast, Mary Sims, Jeff Prendergast and Isaiah Prendergast, who have just made application here? A Yes.  
Q Are they any relation to you? A No none at all whatever.  
Q How long have you known them? A Been knowing them about twenty five years.  
Q Did you know their father? A Yes.  
Q What was his name? A Mack Prendergast.  
Q What was their mother's name? A Viney Prendergast.  
Q I asked you how long you had known these children--? A Ever since they was born.  
Q How long did you know their father? A About twenty-five years-- that's what I was talking about.  
Q How long has he been dead--he is dead--? A Yes; I don't know.  
Q About how long? A I don't know; I never did give it any notice.  
Q Did you know their mother? A Yes.  
Q Did you know whether their father and mother were married or not? A Yes.  
Q Were you present at the wedding? A No, I wasn't present; not at the wedding but I was living there in the neighborhood.  
Q You know when they were married do you? A Yes.  
Q You knew that they always lived together as man and wife up to the time Mack Prendergast died? A Yes.  
Q You know that they were always regarded as legally married by the neighbors around there? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full  
the testimony in the above cases on July 10, 1901, and that the  
above and foregoing is a full, true and correct transcript of his sten-  
ographic notes in said testimony on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Linebaugh

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

Testimony of Mary Jane McElroy.

In the matter of the application of Mary Sims, et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. W.C.R. 2907

In the matter of the application of Jeff Prondergast et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. W.C.R. 2908

In the matter of the application of Isaiah Prondergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. W.C.R. 2909.

Mary Jane McElroy being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

Q What is your name? A Mary Jane McElroy.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield Texas.  
Q Are you acquainted with Mary Sims, Jeff Prondergast and Isaiah Prondergast who have just made application here? A Yes.  
Q How long have you known them? A All their life.  
Q What relation are you to them if any? A Their aunt.  
Q They are brothers and sisters are they? A Yes.  
Q They had the same parents, both the same father and mother? A Yes.  
Q What was their father's name? A Jack Prondergast.  
Q Is he living? A No.  
Q What is their mother's name? A Viney Prondergast.  
Q Is she living? A Yes.  
Q Which one of their parents claimed to be Choctaw? A Their father.  
Q And were you related to their father or their mother? A My and their father was twins.  
Q You and their father, then, had the same father and mother? A Yes.  
Q And what was that mother's name? A Mary Collins.  
Q And what was that father's name? A Bob Hunt.  
Q And was your father or mother Choctaw? A My father.  
Q And your father is what relation to those children? A He is their grandfather.  
Q And they got their Choctaw blood through their father and their father's father? A Yes.  
Q Did you ever know Bob Hunt? A No.  
Q You never saw him? A No.  
Q You don't know then of your own knowledge whether he lived in Mississippi in 1830? A I don't know; my mother said he came from Mississippi but I don't know what time.  
Q Do you know whether your father went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi and take land and become a citizen of the United States? A No.

To applicants: Q Is there anything else that you want to bring out

by this witness. I do not that I know of.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 12 day of August, 1901.

*A. W. Linebaugh*

Notary Public.



Muskogee, Indian Territory, September 10, 1901.

Bonie Means,  
Care Pinckney Smith,  
Mexico, Texas.

Dear Madame:-

Receipt is hereby acknowledged of your letter of August 17th, in which you ask to be informed if Jehu Lewis, a Choctaw Indian gave testimony before the Commission at Atoka in the cases wherein Jane MacElroy, Mary Simms, Paul Prendergast and brothers, and yourself are applicants. You state that said applications were made on the 10th and 11th of July.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Bonie Means has appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Mary Mivenia Means, of Mexico, Texas, forty-five years old, the daughter of Sip and Ann Means, applied for identification as a Mississippi Choctaw on July 11th, 1901.

On July 10th, Mary Jane MacElroy and Mary Simms appeared before the Commission as applicants for identification as Mississippi Choctaws. On July 10th, Paul Prendergast and Jeff Prendergast, sons of Mack and Bina Prendergast, appeared before the Commission as ap-

P. M., #2.

plicants for identification as Mississippi Cheetaws. It does not appear from our records that any other brother of Paul Prøndergast has ever appeared before the Commission as an applicant for identification as a Mississippi Cheetaw.

You are advised that the testimony of John Lewis has not been taken before the Commission at Atoka in these cases. If you wish to offer the testimony of John Lewis in support of these applications, and will bring him before the Commission, he will be examined orally in behalf of these applicants.

Yours truly,

M. C. 2905  
M. C. 2906  
M. C. 2907  
M. C. 2908  
M. C. 2913.

M.C.R. 2907

COPY

Waskagee, Indian Territory, October 7, 1902.

Mary Sims,  
Mexico, Texas.

Dear Madam:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	M.C.R. 2906
Mary Juvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M. S. 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Luvenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthene Sims, Nelven Sims, Jeff Prendergast, Bula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

W. H. H. H.

James D. D.

Acting Chairman.

Registered.

COPY

U. S. B. 2007

Mustegee, Indian Territory, December 2, 1902.

Mary Sims,

Meria, Texas.

Dear Madam:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McElroy, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

(SIGNED).

*Lance D. Dwyer*

Acting Chairman.

DUPLICATE No. 2207

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name Mary Sims

Age 30 Blood 1/4

Post Office, Mexia, Texas

Father: Mack Prendergast (dead)

Mother: Vina

Claims through father

husband: Ben Sims  
(no claim for him)

Children:

Viola Sims 13

Arthena " F 11

Nelven " 10

Claims for self and three  
children

Stenographer

Henry G. Harris

Mary Sims et al

COISION RENDERED OCT 1 - 1902

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NOV 20 1902

Choctaw MCR 2908

Jeff Prendergast

MCR 2908



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 19, 1901.

2998

In the matter of the application of Jeff Prendergast for the identification of himself and his two minor children as Mississippi Choctaws.

Jeff Prendergast being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jeff Prendergast.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Mexia, Texas.  
Q How long have you lived at Mexia? A All my life.  
Q Were you born in Texas? A Yes.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Mack Prendergast.  
Q Is he living? A No, he is deceased.  
Q What is your mother's name? A Viney Prendergast.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One fourth.  
Q Were your father and mother married? A That's what they always told me everybody knew they was married.  
Q Have you any evidence of that fact? A Yes, I have the same evidence of Pinckney Smith.

The Commission will accept that; it will be necessary for you to offer the testimony of some other disinterested party, if you cannot get the Court Record.

Q Were your father and mother married by minister? A Yes, so I have always learned.  
Q You have no record of that marriage? A It is at Fairfield, I think.  
Q Well, could you send and get that? A Yes.  
Q Well that would be the best evidence that you can get? A Yes.  
Q What was your father? A He was half Choctaw Indian.  
Q What was the other half? A African, negro.  
Q Was he a slave? A Yes.  
Q What was your mother? A Negro.  
Q Slave? A Yes.  
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A I don't know whether he was or not.  
Q Did your father ever live in the Indian Territory? A No.  
Q Did he ever live in Mississippi? A No, I don't think.  
Q Have you any reason to think that he was enrolled? A I don't know.  
Q Have you any reason to think he was? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Bessie Prendergast.  
Q Is she living? A Yes.  
Q Do you make any application for her? A No, she has got Indian in her but I aint making any application for her.  
Q What kind of Indian? A Choctaw.  
Q What is the rest? A Negro.

Jeff Prendergast---2

Q Have you any children for whom you wish to make application at this time? A Two.

Q Give the names and ages. A Mula Prendergast.

Q How do you spell it? A I don't know how to spell it.

Q How old? A Two years and nine months old; will be three the 3rd of September.

Q Mula is a girl? A Yes.

Q Next? A Jeffie.

Q How do you spell that? A I don't know- I can't read or write any.

Q Is that a boy? A Girl.

Q How old? A Nine months.

Q You are the father of these children? A Yes.

Q What is the name of their mother? A Bessie Prendergast.

Q When and where were you married to Bessie Prendergast? A In Limestone County, Texas, '97.

Q Did you obtain a license to marry? A Yes.

Q Were you married by ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.

Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes.

Certified copy of marriage license and certificate between Jeff Prendergast and Bessie Berry offered in evidence by applicant and marked Exhibit A<sup>2</sup> filed and made a part of the record in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, not as I know of.

Q Did you ever live in Indian Territory? A No.

Q Have you any reason to think that your name is on any of the Choctaw tribal rolls of the Choctaw Nation in the Indian Territory? A No; I don't know whether it is or not.

Q Well, have you any reason to think it is? A No. Only that I have been taught that my father was Choctaw Indian.

Q Did your father ever live in the Indian Territory? A No.

Q Well your name would hardly appear on any of the Choctaw rolls-?

A I don't know whether he would or not.

Would- if you thought your name was on would you come here to make application? A I don't know whether it is or not.

Q Well, now, do you think your name is on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.

Q Do you think it is? A I think it ought to be.

Q I am not asking you if it ought to be; do you think it is on any of the tribal rolls of the Choctaw Nation? A I don't know.

Q If you thought your name was on any of the tribal rolls of this Choctaw Nation would you come up here today to make application for identification? A I don't know- I can't understand the question.

Q It is if you think your name is on any of the tribal rolls of the Choctaw Nation? A I don't know.

Q I asked you what you think about it? A I don't know whether it is or not.

Q Do you think that your name is on any of the tribal rolls of the Choctaw Nation? A I think it ought to be.

Q I ask you if you think your name is on the tribal rolls-? A Yes, I guess I think it is.

Q Well, now, what makes you think it is? A My always--

Q Did your father ever live in the Indian Territory? A No.

Q Well, would his name be on any of the tribal rolls of the Choctaw Nation if he didn't live in the Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, I never made any only by Mr. Doyle my lawyer in Mexia.

Q I asked you if you ever made any application to the Choctaw tribe

Jeff Prendergast---3

authorities to be enrolled--? A No.

Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No, not as I know of.

Q That was five years ago, wouldn't you know if you did? A No.

Q Did you authorize any body for you? A No.

Q Then you have no reason to think one was made? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, that is this Commission, or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States for yourself or your children to be admitted or enrolled as citizens of the Choctaw Nation? A I have by Mr. Doyle.

Q You mean that you got somebody to write in here about it? A Yes.

Q You never made any application yourself? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you make this claim? A Through my father.

Q What do you claim by your father? A One quarter.

Q You make this claim now because you have always been taught that your father had Choctaw blood? A Yes.

Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A No, I don't know anything about it.

The authority giving the Commission power to hear application for identification as Mississippi Choctaws gives it the right to identify those Choctaw Indians who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians in order to remove them from the State of Mississippi to the present Indian Territory and to give them lands over here in exchange for the lands in Mississippi; but found that they couldn't make any treaty with them until some provision was made for those who wanted to stay in Mississippi- so article fourteen was made a part of the treaty for the benefit of those Indians who didn't want to come West. It provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Person who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who did not want to come West could stay there in Mississippi and if they went to the agent there in Mississippi within six months after the treaty was ratified, and told him that they wanted to stay in Mississippi and become citizens of the United States they could receive a reservation

Jeff Prendergast---4

of land there from the Government and in doing that they would not lose the privilege of Choctaw citizens but if they ever removed were not to receive any portion of the Choctaw annuity. Do you claim under that provision of law? A I don't know nothing about it, yes I think though under that or under the Mississippi Choctaw.

Q You think then that you do claim under that article? A Yes.

Q Do you understand it as it has been explained to you? A Not exactly

Q What part of it is not plain to you? A I don't know.

Q Don't you understand that if there were any of these Choctaw Indians who didn't want to come West to the present Choctaw Nation that they could go to the Indian agent there in Mississippi and tell him within six months after the treaty was made that they didn't want to come West that they wanted to stay there and become citizens of the United States and if they did that they would receive a reservation of land from the Government? And the article further provided that if they did this they were not to lose the privilege of a Choctaw citizen but if they ever removed they were not to receive any portion of the Choctaw annuity, that is the Choctaw yearly payments. Now don't you understand that? A A Yes those that stayed in Mississippi could offer claim.

Q I mean that those who stayed in Mississippi went to the Indian agent there within six months after the treaty was made and told him that they wanted to stay there in Mississippi could do so and get their land but would not receive any portion of the Choctaw payments of money- now do you understand that? A No I don't understand none of it hardly; do you mean that the tribe in Mississippi gets part of it in Indian Territory?

After this treaty was made in 1830 the Choctaw Indians were removed to the present Indian Territory; there is no Choctaw tribe living in Mississippi, the Choctaw tribe is here in this country. There were Choctaw Indians there in Mississippi who did not come West, but they did not have any tribal government and of these individual Indians who were left there, any of them who went to the Indian agent within six months after this treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States, they could do so and in doing so would not lose any privileges of Choctaw Indians, but they were not, if they ever removed, to receive any portion of the Choctaw Moneys.

Q Do you understand what I have just been trying to tell you? A I don't not understand none of these treaties; no I don't.

Q Well what part of it is there that you don't understand; just tell me what part is not plain to you and I will try to make it plain?

A I don't understand the meaning of none of them now.

Q You don't understand the meaning of the words I have used in trying to explain it? A No.

The United States has--the Commission has power now to identify those people who come here and claim under this fourteenth article of the treaty of 1830 and I used the simplest words to explain it.

Q Well, do you claim under that article then? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know what is meant by the word ancestor? A (No answer.)

Q That means your father or mother grandfather or grandmother or your great grandfather or great grandmother- A No none of them aint as I know of.

Q What is the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 --A I don't know the names of none but my grandfather.

Q What was his name? A Bob Hunt.

Q Your mother's father? A Yes.

- Q Did he claim to be Choctaw? A Yes.
- Q Do you know whether he lived in Mississippi in 1830? A No.
- Q Have you any evidence of that? A No, only my grandmother.
- Q Is there anybody living who knew whether he lived there in 1830 or any of these points? A No, not as I know, only my grandma.
- Q Well did your grandmother live in Mississippi in 1830? A I don't know, I hear they say she came there and stepped there.
- Q What was your grandfather's father's name? A I don't know.
- Q What was his mother's name? A I don't know. I didn't hear anybody say.
- Q Do you know what Bob Hunt's mother's name was? A No.
- Q Do you know whether Bob Hunt had any Choctaw name? A No, nothing but Bob Hunt was all we knew him by.
- Q Do you know whether he came from Mississippi to the Indian Territory along with the other Indians between the dates of 1833 to 1838?
- A We heard grandmother say he came from Mississippi but we don't know where he went to.
- Q Where did your grandmother know him? A I don't know; they married in Granklin, Robinson County.
- Q Texas? A Yes.
- Q Do you know whether he went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay there and become a citizen of the United States? A No I haven't heard anybody say anything about that.
- Q Do you know whether there is anybody who could tell the Commission anything about that? A No.
- Q Do you understand that it is a material matter in your case to have the Commission have some evidence on these points? A Yes.
- Q Did Bob Hunt or any of your ancestors ever get any land in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q You never heard anybody say? A No.
- Q Have you any papers in your family any records or deeds or patents? A I don't know about the records but we haven't got any deeds.
- Q Do you know of any records in your family? A No not in the family.
- Q Have you any records of any anywhere? A I guess it ought to be on old books.
- Q What books? A The Choctaw books if they could find them.
- Q Did any of your ancestors, Bob Hunt, or any of the rest of them ever own any land which they received from the Government under the treaty of 1830? A I don't know whether they did or not.
- Q You don't know of anybody that could testify about that? A No.
- Q Do you know if any of your ancestors ever got any scrip from the Government under the treaty? A Not as I know of.
- Q Have you any papers that you want to file now? A No, none but that one you have.
- Q Do you want the testimony of Mary Jane McElroy in your case as to who you are? A Yes.
- Q You will be permitted to offer that.

Should you desire to offer any further evidence in support of your case either the oral testimony of witnesses their depositions or affidavits, the Commission will accept the same and make them part of the record in this case.

- Q Can you speak Choctaw? A No.
- Q Did you ever know your grandfather, Bob Hunt? A No.

This applicant has kinky black hair and brown eyes; his complexion is brown and somewhat slightly resembles that of an Indian- and his cheek bones are a trifle high, his nose is long and straight but his mouth and hair show the predominance of negro blood. He doesn't know of any compliance on the part of his ancestors with the provisions of the



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fourteenth article of the treaty of 1836. He does not know any of his ancestors except his father and mother - and it has been very hard to get any intelligent answers from this applicant.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*A. W. Linebaugh*  
Notary Public .

Department of the Interior.  
Commission to the Five Civilized Tribes.

Atoka, I. T. July 10, 1901.

Testimony of Pinckney Smith.

In the matter of the application of Paul Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. H.C.R. 2906

In the matter of the application of Mary Sims et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901, H.C.R. 2907

In the matter of the application of Jeff Prendergast et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. H.C.R. 2908.

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. H.C.R. 2909

Pinckney Smith being called and sworn as a witness in these cases to testify as follows in behalf of applicants:

Examination by the Commission:

- Q What is your name? A Pinckney Smith.  
Q What is your age? A I will be August next fifty nine.  
Q What is your post office address? A Mexia Texas.  
Q Are you acquainted with applicants, Paul Prendergast, Mary Sims, Jeff Prendergast and Isaiah Prendergast, who have just made application here? A Yes.  
Q Are they any relation to you? A No none at all whatever.  
Q How long have you known them? A Been knowing them about twenty five years.  
Q Did you know their father? A Yes.  
Q What was his name? A Mack Prendergast.  
Q What was their mother's name? A Viney Prendergast.  
Q I asked you how long you had known these children--? A Ever since they was born.  
Q How long did you know their father? A About twenty-five years-- that's what I was talking about.  
Q How long has he been dead--he is dead--? A Yes; I don't know.  
Q About how long? A I don't know; I never did give it any notice.  
Q Did you know their mother? A Yes.  
Q Did you know whether their father and mother were married or not? A Yes.  
Q Were you present at the wedding? No, I wasn't present; not at the wedding but I was living there in the neighborhood.  
Q You know when they were married do you? A Yes.  
Q You knew that they always lived together as man and wife up to the time Mack Prendergast died? A Yes.  
Q You knew that they were always regarded as legally married by the neighbors around there? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full the testimony in the above cases on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*A. H. Hinebaugh*  
Notary Public



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

Testimony of Mary Jane McElroy.

In the matter of the application of Mary Sims, et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901, M.C.R. 2907

In the matter of the application of Jeff Prendergast et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909.

Mary Jane McElroy being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Mary Jane McElroy.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield Texas.  
Q Are you acquainted with Mary Sims, Jeff Prendergast and Isaiah Prendergast who have just made application here? A Yes.  
Q How long have you known them? A All their life.  
Q What relation are you to them if any? A Their aunt.  
Q They are brothers and sisters are they? A Yes.  
Q They had the same parents, both the same father and mother? A Yes.  
Q What was their father's name? A Mack Prendergast.  
Q Is he living? A No.  
Q What is their mother's name? A Viney Prendergast.  
Q Is she living? A Yes.  
Q Which one of their parents claimed to be Choctaw? A Their father.  
Q And were you related to their father or their mother? A My and their father was twins.  
Q You and their father, then, had the same father and mother? A Yes.  
Q And what was that mother's name? A Mary Collins.  
Q And what was that father's name? A Bob Hunt.  
Q And was your father or mother Choctaw? A My father.  
Q And your father is what relation to these children? A He is their grandfather.  
Q And they got their Choctaw blood through their father and their father's father? A Yes.  
Q Did you ever know Bob Hunt? A No.  
Q You never saw him? A No.  
Q You don't know then of your own knowledge whether he lived in Mississippi in 1830? A I don't know; my mother said he came from Mississippi but I don't know what time.  
Q Do you know whether your father went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi and take land and become a citizen of the United States? A No.
- To applicants: Q Is there anything else that you want to bring out

by this witness? A He met that I know of.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. H. Linebaugh*

Notary Public.

Muskogee, Indian Territory, September 10, 1901.

Benie Means,  
Care Pinckney Smith,  
Mexico, Texas.

Dear Madam:-

Receipt is hereby acknowledged of your letter of August 17th, in which you ask to be informed if John Lewis, a Choctaw Indian gave testimony before the Commission at Atoka in the cases wherein Jane MacElroy, Mary Simms, Paul Prendergast and brothers, and yourself are applicants. You state that said applications were made on the 10th and 11th of July.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Benie Means has appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Mary Lavenia Means, of Mexico, Texas, forty-five years old, the daughter of Sip and Ann Means, applied for identification as a Mississippi Choctaw on July 11th, 1901.

On July 10th, Mary Jane McElroy and Mary Simms appeared before the Commission as applicants for identification as Mississippi Choctaws. On July 10th, Paul Prendergast and Jeff Prendergast, sons of Mack and Nina Prendergast, appeared before the Commission as ap-

P. H., #1.

licants for identification as Mississippi Shooters. It does not appear from our records that any other brother of Paul Prendergast has ever appeared before the Commission as an applicant for identification as a Mississippi Shooter.

You are advised that the testimony of John Lewis has not been taken before the Commission at Atoka in these cases. If you wish to offer the testimony of John Lewis in support of these applications, and will bring him before the Commission, he will be examined orally in behalf of these applicants.

Yours truly,

N. C. 2905  
N. C. 2906  
N. C. 2907  
N. C. 2908  
N. C. 2913.

M.C.R. 2908

Muskogee, Indian Territory, October 7, 1902.

Jeff Prendergast,  
Mexia, Texas.

Dear Sir:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	M.C.R. 2908
Mary Lavenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J. P. 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Juvenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthene Sims, Nelson Sims, Jeff Prendergast, Eula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

James L. May,  
Acting Chairman.

Registered.

M C R 2908

Muskogee, Indian Territory, December 5, 1902.

Jeff Prendergast,

Mexia, Texas.

Dear Sir:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McKelroy, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

SIGNED

Acting Chairman.

No. 2405

For Identification as a Mississippi Choctaw.

Date JUL 10 1921

Name Jeff Prendergast

Age 24 1/2 Blood 1/4

Post Office, Merida, Texas

Father: Mack Prendergast (decd)

Mother: Vena "

Claims through father

wife: Bessie Prendergast (Cal)  
(no claim for her) "

Children:

Eula Prendergast F 3

Jeffie " F 9 mo.

Claims for self and 2 children

Stenographer

Henry G. Hains



FOR IDENTIFICATION AS  
A MURDERER R. 2908

Jeff Brindergast et al

OCT 7 1973

NOV 20 1902

Choctaw MCR 2909

Isaiah Prendergast

MCR 2909

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Alaska, I.T. 702, 10, 1906.

1906

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw.

Isaiah Prendergast being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Isaiah Prendergast.  
Q How do you spell Isaiah? A I don't know.  
Q What is your age? A Going on twenty two.  
Q What is your post-office address? A Mexia Texas.  
Q How long have you lived there? A All my life.  
Q Were you born in Texas? A Yes.  
Q And never had a home anywhere else? A No.  
Q What is your father's name? A Mack Prendergast.  
Q Is he living? A No, he is dead- deceased.  
Q What is your mother's name? A Winney Prendergast.  
Q Is she living? A Yes.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A One quarter.  
Q What was the rest of your father's blood? A Half negro.  
Q Was he ever a slave? A Yes.  
Q What was your mother? A Colored girl- negro.  
Q Was she ever a slave? A Yes.  
Q Were your father and mother married? A Yes; that what they always told me.  
Q Have you any evidence that they were married? A I don't know only Mr. Smith.  
Q Would you like to have his testimony as to the marriage of your father and mother? A Yes.

A copy of his testimony as to the marriage of your parents given before the Commission will be filed in your case.

- Q Were your father and mother married by a preacher? A I suppose.  
Q Did they ever get any certificate of that marriage? A Not as I know of.  
Q Do you know if it was ever recorded anywhere? A Don't know.  
Q If it is retained a certified copy of the record would be the best evidence you could get; if you cannot get that, the Commission will accept the Affidavit of two people who are not interested.  
Q Has your father through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A Not as I know of.  
Q Are you married? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1906, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 30, 1906? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by

Isaiah Prendergast---2

the Choctaw tribal authorities, the Commission to the five Civilized Tribes, that is this Commission, or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No.

Q Is this the first application you have ever made of any description? A Yes.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim the right now to identification as a Mississippi Choctaw? A Under the fourteenth article of the treaty of 1830.

Q Do you understand the provisions of that article of that treaty?

A No, not all of them.

Q Do you understand them at all? A No I don't understand.

In 1830 the United States wanted to remove the Choctaw Indians from the State of Mississippi and give them lands here in this present Indian Territory instead of land they owned in the State of Mississippi, but they could not make any treaty with the Choctaws until some provision was made with the Choctaw Indians who didn't want to come West, so article fourteen was made a part of the treaty for the benefit of those Choctaw Indians who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who did not want to come West with the other Indians could stay there in Mississippi and receive land from the Government and not lose the right of Choctaw citizenship provided they went to the Indian Agent there within six months after the treaty was signed by the United States and the Indians and told him that they didn't want to come West- wanted to stay there in Mississippi and become citizens of the United States. The article further provided that if they did this they were not to lose the privilege of Choctaw citizenship but if they ever removed were not to receive any part of the Choctaw yearly payments of money. Is that the article under which you are claiming now? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know what is meant by the word ancestor? A That's grandmother or grandfather I suppose.

Q Yes; any of your foreparents as far back as you can give. What was the name of your ancestor or ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw tribe when this treaty was made? A I don't know.

Q Do you know their names? A No.

Isaiah Prendergast---3

- Q You say your father's name was Mack Prendergast? A Yes.  
Q What was his father's name? A Bob Hunt.  
Q What was his mother's name? A I don't know.  
Q You don't know what your father's mother's name was? A Mary Collins.  
Q Now which one, Mary Collins or Bob Hunt, has always been claimed to have Choctaw blood? A Bob Hunt.  
Q Do you know what Bob Hunt's father's name was? A No.  
Q Do you know what Bob Hunt's mother's name was? A No.  
Q Do you know whether Bob Hunt had a Choctaw name? A No, I don't know, any more than what my mother and father always taught me.  
Q Did they teach you Bob Hunt had a Choctaw name? A No, I mean Choctaw blood in him- I don't know whether he had any Choctaw name or not.  
Q Did Bob Hunt live in Mississippi in 1830? A I don't know whether he did or not; not for certain.  
Q Is anybody living who would know anything about that? A I don't know.  
Q If you don't know whether he was living in 1830 in Mississippi you don't know whether he came West to the new country with the other Choctaw Indians? A No.  
Q Do you know if he went to the Indian agent there in Mississippi within six months after the treaty was ratified by the United States and the Choctaw Indians and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No.  
Q Is there anybody living who would know about that? A No, without it's my grandmother- and I don't know.  
Q Did she live in Mississippi in 1830? A Don't know.  
Q Could you get your grandmother to come and testify in person? A No she is not able to come.  
Q Could you get her deposition? A Don't know; I suppose so.  
Q You don't know anybody else but your grandmother who is living who would know about these facts? A No.  
Q And you don't know whether she would know or not? A I suppose she might I don't know for certain whether she does or not.  
Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No, not as I know of.  
Q Did they ever any of them ever own any land which they received from the Government under this treaty of 1830? A Not as I know of.  
Q Did any of them ever get any scrip from the government? A Not as I know of.  
Q Have you any records of that in your family, the copies of deeds or patents or any papers of any kind? A No.  
Q Is there anybody living who would know about these facts? A I don't know anybody at all.  
Q Have you any documentary evidence you would like to file now, papers of any kind? A I don't know; I reckon so; no nothing but the one you have got.  
Q You didn't give me any. You haven't any that you want to file now? A No.  
Q You want to offer the evidence of your aunt, Mary Jane McElroy? A Yes.  
Q You will be permitted to do so.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, the Commission will accept the same and make it part of the records in your case.

- Q Can you speak Choctaw? A No.  
Q Did you know your grandfather, Bob Hunt? A No.  
Q You never saw him? A No.

The applicant in this case has kinky black hair and head shaped

Isaiah Prendergast---4

like a negro; he has black eyes and brown complexion; his complexion slightly resembles that of some Indians in this country and his nose is long and straight; his lips are thick and his general appearance indicates a predominance of negro blood. He knows of no compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830. He is not familiar with any of his ancestors farther back than his father and mother and knows almost nothing of any of his ancestors from family history.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of Aug. 1901.

R. H. Linebaugh  
Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.

Atoka, I. T. July 10, 1901.

Testimony of Pinckney Smith.

In the matter of the application of Paul Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2906

In the matter of the application of Mary Sims et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901, M.C.R. 2907

In the matter of the application of Jeff Prendergast et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908.

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909

Pinckney Smith being called and sworn as a witness in these cases testified as follows in behalf of applicants:

Examination by the Commission:

Q What is your name? A Pinckney Smith.  
Q What is your age? A I will be August next fifty nine.  
Q What is your post office address? A Mexia Texas.  
Q Are you acquainted with applicants, Paul Prendergast, Mary Sims, Jeff Prendergast and Isaiah Prendergast, who have just made application here? A Yes.  
Q Are they any relation to you? A No none at all whatever.  
Q How long have you known them? A Been knowing them about twenty five years.  
Q Did you know their father? A Yes.  
Q What was his name? A Mack Prendergast.  
Q What was their mother's name? A Vinoy Prendergast.  
Q I asked you how long you had known these children--? A Ever since they was born.  
Q How long did you know their father? A About twenty-five years-- that's what I was talking about.  
Q How long has he been dead--he is dead? A Yes; I don't know.  
Q About how long? A I don't know; I never did give it any notice.  
Q Did you know their mother? A Yes.  
Q Did you know whether their father and mother were married or not? A Yes.  
Q Were you present at the wedding? A No, I wasn't present; not at the wedding but I was living there in the neighborhood.  
Q You knew when they were married do you? A Yes.  
Q You knew that they always lived together as man and wife up to the time Mack Prendergast died? A Yes.  
Q You know that they were always regarded as legally married by the neighbors around there? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the First Civilized Edition he reported in full  
the testimony in the above cases in July 18, 1901, and that the  
above and foregoing is a full, true and correct transcript of his above  
own this notes in said testimony on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

Ed Hinebaugh

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July, 10, 1901.

Testimony of Mary Jane McElroy.

In the matter of the application of Mary Sims, et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2907

In the matter of the application of Jeff Prendergast et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909.

Mary Jane McElroy being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Mary Jane McElroy.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield Texas.  
Q Are you acquainted with Mary Sims, Jeff Prendergast and Isaiah Prendergast who have just made application here? A Yes.  
Q How long have you known them? A All their life.  
Q What relation are you to them if any? A Their aunt.  
Q They are brothers and sisters are they? A Yes.  
Q They had the same parents, both the same father and mother? A Yes.  
Q What was their father's name? A Mack Prendergast.  
Q Is he living? A No.  
Q What is their mother's name? A Viney Prendergast.  
Q Is she living? A Yes.  
Q Which one of their parents claimed to be Choctaw? A Their father.  
Q And were you related to their father or their mother? A My and their father was twins.  
Q You and their father, then, had the same father and mother? A Yes.  
Q And what was that mother's name? A Mary Collins.  
Q And what was that father's name? A Bob Hunt.  
Q And was your father or mother Choctaw? A My father.  
Q And your father is what relation to these children? A He is their grandfather.  
Q And they get their Choctaw blood through their father and their father's father? A Yes.  
Q Did you ever know Bob Hunt? A No.  
Q You never saw him? A No.  
Q You don't know then of your own knowledge whether he lived in Mississippi in 1830? A I don't know; my mother said he come from Mississippi but I don't know what time.  
Q Do you know whether your father went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi and take land and become a citizen of the United States? A No.

To applicants: Q Is there anything else that you want to bring out

by this witness. A He not that I know of.

Witness absconded.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Haine*

Subscribed and sworn to before me this 17 day of August, 1901.

*W. Hinebaugh*

Notary Public.

COPY.

M.C.R. 2909

Muskogee, Indian Territory, October 7, 1902.

Isaiah Prendergast,  
Mexico, Texas.

Dear Sir:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	M.C.R. 2906
Mary Juvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909

These applications were made under the provision of the act of Congress of June 22, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

I. P. 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Javonia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Helford Prendergast, Mary Sims, Viola Sims, Arthema Sims, Melven Sims, Jeff Prendergast, Hula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.

M C R 2909

Muskogee, Indian territory, December 5, 1902.

Isaiah Prendergast,

Mexia, Texas.

Dear Sir:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McKelroy, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

(SIGNED)

Acting Chairman

No. 21111

For Identification as a Mississippi Choctaw.

Date JUL 10 1901

Name *Isarah Prendergast*

Age *21*

Blood *1/4*

Post Office, *Mexia, Texas*

Father: *Maek Prendergast (dead)*

Mother: *Una*

Claims through *father*

~~Outreach~~

*Claims for himself alone*

Stenographer

*Henry G. Harris*

Isaiah Prendergast

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2-11

Choctaw MCR 2910

Mary Hochemah

MCR 2910



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Hochemah for  
identification as a Mississippi Choctaw, M.C.R. 2910.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Hochemah for  
identification as a Mississippi Choctaw, M.C.R. 2910.

--: I N D E X :--

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20710

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 9, 1901.

In the matter of the application of Mary Hochemah for identification as a Mississippi Choctaw.

Mary Hochemah, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

(Through Ben Williamson, duly sworn Choctaw Interpreter):

- Q What is your name? A Mary Hochemah.
- Q How old are you? A About fifty seven.
- Q What is your post office address? A Battlefield, Mississippi.
- Q How long have you lived there? A All my life.
- Q In what county is that? A Neshoba county.
- Q What is your father's name? A Him-o-nubbe.
- Q Is he living? A Dead.
- Q Was he a full blood Choctaw Indian? A Yes.
- Q What was your mother's name? A Ho-che-mah.
- Q Is your mother living? A No, dead.
- Q Was she a full blood Choctaw Indian? A Yes.
- Q Are you a full blood Choctaw? A Yes.
- Q Do you claim your Choctaw blood through both father and mother? A Yes sir.
- Q Have your parents through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory---Did your father and mother ever go out into the Indian Territory---got out there and be enrolled? A No.
- Q Are you married? A No.
- Q You claim for yourself only? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory---Did you ever go to the territory and get enrolled there? A No.
- Q Have you ever made application to the Choctaw tribal authorities--to the Choctaw people out in Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.
- Q Have you ever made application before this to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A Yes, two years ago.

The records of the Commission show that on January 30, 1899, this applicant appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, and made application for identification as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field No. 136, also

Mary Hechemah----2.

upon page 52 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being No. 484 thereon.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? --Do you want to put down on the list as a Mississippi Choctaw? A Yes.

(From here examination is conducted through Isham Johnston, official interpreter for the Commission:)

Q Do you claim your rights here now before the Commission under article fourteen of the treaty of 1830? A Yes.

Q Do you understand what article fourteen of the treaty of 1830 provides--do you understand what it means--what it says? A Yes.

Q If you understand it, I will not read the article to you, but I would like to explain the meaning of article fourteen of the treaty of 1830, and then I will ask you if any of your ancestors complied with article fourteen as I have explained it. A treaty is a compact between nations--it is like an agreement between individuals, only it differs in this, that being between nations it is called a treaty. An article is one of the parts or subdivisions of a treaty, and article fourteen of the treaty of 1830 is one of the parts of the treaty of 1830. The treaty of 1830 was made between the United States Government and the Choctaw Indians at that time for the purpose of securing the removal of all of the Choctaw Indians from Mississippi and Alabama into the Indian Territory. The government thought it would be better for them to have land there and have their own tribal government, which they could not have in Mississippi and Alabama--at least they were oppressed here and the government could not protect them. A great many went to the Indian Territory under that treaty, but while they were making the treaty it was discovered that some of them did not want to go and they said they would not go. Article fourteen was put into the treaty for the purpose of caring for the interests of the Mississippi Choctaws. He was protected provided that he did certain things at that time. Some of those things were as follows: Article fourteen provided that Mississippi Choctaws remaining in Mississippi must within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward, who was then living in Mississippi, and tell him they wanted to stay in Mississippi and didn't want to go to the territory--that they wanted to take land in Mississippi; that they would live upon that land and get a patent or deed from the government. They also wanted to become citizens of the United States. That amounted to a declaration of intention to become citizens of the United States, and the Mississippi Choctaws who stayed in Mississippi, and did not go to the Indian Territory with the other Indians between 1833 and 1838 really abandoned his Choctaw citizenship to become a citizen of the United States. If the Mississippi Choctaw who stayed in Mississippi and did not go to the territory with the others did these things I have described, he would not afterwards lose the right to citizenship in the Choctaw Nation either he or his descendants, if they afterwards wanted to go there, only they would not be entitled to share in the annuities that the others who did go at this time received. You come before the Commission as a full blood Choctaw In-

Mary Hochema----3.

dian descendant of a Mississippi Choctaw ancestor who ~~xxx~~ <sup>you</sup> claim complied with the provisions of article fourteen of the treaty of 1830. Can you give the name of any ancestor who complied with article fourteen of the treaty of 1830. A Mother's father named Me-ah-shan-tah.

Q Did you understand all that I explained about article fourteen?  
A Yes.

Q Me-ah-shan-tah was your mother's father? A Yes sir.

Q What was your mother's name? A Hochemah.

Q Did your mother have any ~~xxx~~ brothers or sisters? A Hootubbee.

Q Was that a man or woman? A Man.

Q Hootubbee was your mother's brother? A Yes sir.

Q Give me the name of any other brother or sister that your mother had? A Pa-sa-chubbe.

Q Was that a brother or sister of your mother? A Brother.

Q Did your mother have any other brothers or sisters besides Hootubbee and Pa-sa-chubbe? A Yes.

Q Did your mother have a brother named Tonubbe? A Tonubbe, mother's sister.

Q Was she older than your mother? A Yes older.

Q Was she very much older? A Yes.

Q Did your grandfather, Me-ah-shan-tah, your mother's father, receive any land in Mississippi from the United States government under article fourteen of the treaty of 1830? A Me-ah-shan-tah got land and my mother got land, Hootubbee got land and Pa-sa-chubbe got land.

Q Do you remember whether Tonubbe, your mother's sister, got land?

A Don't remember.

Q Did you ever see the deed or patent issued by the United States government to your grandfather, Me-ah-shan-tah? A Yes.

Q When and where did you see that? A Patent--about ten years ago.

Q Where did you see it? A In Philadelphia.

Q Who has got that patent now? A Jim Welch.

Q Is Jim Welch holding that deed because he has got a mortgage on the land? A No.

Q How does Jim Welch happen to have the deed to the land that the government gave to your grandfather, Me-ah-shan-tah? A The property was to be sold for taxes and the tax collector was going to take the land, so my brother, Lavis Himomubbee went to Jim Welch and he fixed it up and now holds the deed.

Q What is Jim Welch's business in Philadelphia? A Don't know.

Q How much land does Jim Welch hold patent for? A One square mile

Q Did your mother have a deed different from the deed of Me-ah-shan-tah? A She got a deed, not a patent.

Q The patent was sheepskin? A Yes sir.

Q But your mother's deed was not like that? A No.

Q Do you know where your mother's deed is? A Hugh McDonald has got deed.

Q Where is he now? A He is dead.

Q Was Hugh McDonald an Indian Agent? A He was a white man.

Q He was an agent for the government? A Yes sir.

Q How did Hugh McDonald get the deed issued by the government to your mother Ho-che-mah? A McDonald didn't finish the deed to the land and he kept it.

Q Was he making the deed as agent for the government to give to your mother? A Don't know much about that.

Q He represented the government and didn't finish it and ~~xxx~~ <sup>your</sup> mother never got the deed? A No.

Mary Hochemah----4.

- Q She lived on that land did she? A Yes.  
Q Who is living on the land now that was given to your grandfather?  
A White folks.  
Q Any of your mother's folks living there? A No.  
Q Who lives on your mother's land? A Fede Pierce.  
Q Is he a white man? A Yes sir.  
Q How did Pierce get possession of your mother's land? A Pierce paid the tax on the land and he kept it.  
Q He paid the taxes that were due on that land and kept it? A Yes sir.  
Q Did your father Himonubbee get land from the government? A No, never got land.

The records in the possession of the Commission show that Me-ah-shan-tah, grandfather of this applicant, received land from the United States government in Mississippi under article fourteen of the treaty of 1830, as is evidenced by the report, Abstract No.1, by Commissioners Tyler, Gaines and Rush, contained on page 547 of Volume one of the record in the Court of Claims in the case of the Choctaw Nation of Indians vs. The United States, No.12742. Said record on said page 547 shows further that Me-ah-shan-tah's daughter, Tonubbe, over ten years of age, also received from the United States government one half section of land; that this applicant's mother, Hochemah, and this applicant's two uncles, Hootubbee and Pasachubbe also received a quarter section of land each. That the Commissioners found that this applicant's grandfather, Me-ah-shan-tah, attempted to signify his intention of remaining five years, and the side notes show that continued residence was proven, and "Commissioners allow the claim and award land, it not having been disposed of by government."

- Q Did any of your ancestors ever go to the Indian Territory with the other Indians when they went from Mississippi and Alabama between 1833 and 1838? A Don't know.  
Q Are there any additional statements you want to make at this time in support of your application? A No.  
Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No.

Thirty days time from the date hereof is allowed applicant in which to introduce documentary or other evidence that she may desire in support of this application which she makes for identification as a Mississippi Choctaw and particularly the patent in the possession of Jim Welch, Philadelphia, Mississippi if possible to do so.

This applicant has the appearance and all physical characteristics of a full blood Choctaw Indian. She does not speak the English language her examination having been conducted throughout by means of sworn Choctaw interpreters. She claims a compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, as evidenced from



Mary Hochemah---5.

the fact that the records in the possession of the Commission disclose that her grandfather, Me-ah-shan-tah, received land from the United States government as a beneficiary under article fourteen of the treaty of 1830; that Me-ah-shan-tah's children, Tonubbe, Hochemah, Hootubbee and Pasachubbe also received land from the United States government as beneficiaries under article fourteen of that treaty and that Ho-che-mah who received the NE 1/4, Sec. 2, Twp. 5, R. 13 East, was her mother.

Davis Him-o-nubbe, called as a witness on behalf of applicant, having been first duly sworn, upon his oath testifies as follows;

Examination by the Commission:

Q What is your name? A Davis Himonubbe.  
Q How old are you? A Fifty two.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q Where do you live? A Battlefield, Mississippi.  
Q Is Mary Hochema your sister? A Yes sir.  
Q She took her mother's name, Hochemah? A Yes sir.  
Q And you took your father's name, Him-o-nubbe? A Yes sir.  
Q I want to know if you know that any of Mary Hochema's ancestors received land from the United States government under article fourteen of the treaty of 1830? A My grandfather got land.  
Q What was your grandfather's name? A Me-ah-shan-tah.  
Q Was that Mary Hochemah's grandfather too? A Yes.  
Q Did Me-ah-shan-tah have a ~~xxxx~~ daughter named Hochemah? A Yes  
Q That was your mother? A Yes  
Q And Mary Hochemah's mother? A Yes.  
Q Did Me-ah-shan-tah get land from the government? A Yes.  
Q How much land did he get? A One mile square.  
Q Did your mother get land from the government? A Yes sir.  
Q How much? A I think eighty acres.  
Q Was it a quarter section she got? A Yes.  
Q Did you ever see the patent that was given by the government to your grandfather Me-ah-shan-tah? A Yes, I seen it.  
Q Who has got it? A Jim Welch.  
Q Is he living or dead? A He is dead--his son Joe Welch has got it.  
Q He lives in Philadelphia? A Yes.  
Q What does he do? A He has store and drives hack.  
Q You have seen that deed? A Yes.  
Q You know your grandfather Me-ah-shan-tah got land from the government and you saw the deed? A Yes.  
Q Did they tell you what the deed said? A Yes.  
Q What kind of looking deed was it? A Looked like sheepskin.  
Q It was not paper? A No.  
Q They told you the government gave that land to your grandfather? A Yes.

Witness Excused.

Applicant, Mary Ho-che-mah, re-called:

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898,

--Mary Hechemah----6.

and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 15th day of July, 1901.

*[Signature]*

Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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*Rev*

In the matter of the application of Mary Hochemah for identification as a Mississippi Choctaw, M.C.R. 2910.

DECISION

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on July 9, 1901, by Mary Hochemah for herself under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Mary Hochemah should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

APR 27 1903

COPY.

M C R 2910

Muskogee, Indian Territory, May 5, 1903.

Mary Hochemah,

Battlefield, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully, (SIGNED)

*Tamm Bixby.*  
Chairman.

Registered.

Enc. 2910.

#1100

No. 2222

For Identification as a Mississippi Choctaw.

Date JUL 9 '01

Name Mary Kechemah

Age 57 Blood full

Post Office, Battlefield, Miss.

Father: Kim-s-nubbe<sup>(S. G.)</sup> d.

Mother: Keoh-e-mah<sup>(S. G.)</sup> d.

Claims through both parents.

See M. C. Card filed  
No. 136.

Children:

Claims for self  
alone.

Stenographer H. C. Ristern.

Mary Hutchinson

IDENTIFIED

3/9/15

DECEASED

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COPY OF LETTER

10-1-1871. to Union

Choctaw MCR 2911

Davis Him-o-nubbee

MCR 2911

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Davis Himonubbe,  
et al., for identification as Mississippi Choctaws.

---o---

Herein is the record in the matter of the application of  
Davis Himonubbe, et al., for identification as Mississip-  
pi Choctaws, M.C.R. 2911.

---o---

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Davis Himonubbe, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2911.

--: I N D E X :--

	(Page)
Original application of Davis Himonubbe, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original patent issued on January 5th 1846 to Me-ah-shan-tah as a beneficiary under article fourteen of the treaty of Dancing Rabbit Creek-----	6
Decision of the Commission identifying above applicants-----	7

-----o-----



2911

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 9, 1901.

In the matter of the application of Davis Himonubbe for the identification of himself and four minor children as Mississippi Choctaws.

Davis Himonubbe, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Davis Himonubbe.  
Q What is your age? A Fifty two.  
Q What is your post office address? A Battlefield, Mississippi.  
Q In what county is that? A Neshoba.  
Q How long have you lived there? A All my life.  
Q What is your father's name? A Himonubbe.  
Q Is he dead? A Yes.  
Q Was he a full blood Choctaw? A Yes, full blood.  
Q What is your mother's name? A Hochemah.  
Q Is she dead? A Yes, dead.  
Q Was she a full blood Choctaw Indian? A Yes sir.  
Q Do you claim to be a full blood Choctaw Indian? A Yes.  
Q Do you claim your Choctaw blood through both father and mother?  
A Yes.

From here examination is conducted through Isham Johnston,  
Official Interpreter

- Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Did your father or mother go to the Indian Territory and get enrolled there? A No.  
Q Are you married? A No, wife dead about ten years ago.  
Q What was her name? A Mattie.  
Q Was she a full blood Choctaw Indian? A Yes sir.  
Q Is she the mother of your children? A Yes sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes.  
Q What is the name of the oldest? A Emmon.  
Q How old is Emmon? A Not quite twenty one--over twenty.  
Q What is the name of the next? A Ella.  
Q How old? A Nineteen.  
Q What is the next? A Carson.  
Q How old? A About eighteen.  
Q What is the next? A Larbin.  
Q How old is Larbin? A About fourteen.  
Q Is Larbin a boy or girl? A Boy.  
Q Is your wife Mattie who is now dead the mother of these children?  
A Yes?  
Q You are the father? A Yes.  
Q These are all full blood Choctaw Indians? A Yes sir.  
Q Your wife was a full blood and you are a full blood? A Yes sir.  
Q Were you married to your wife by license and by a minister? A No.  
Q Married Choctaw way? A Yes.

Davis Himonubbe----2.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? Did you ever go out into the Indian Territory--in the Choctaw Nation, Indian Territory--and have your name put on the tribal rolls or your children's names? A No.

Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe for yourself and children--Did you go out in Indian Territory and ask the Choctaw Nation to put your names on the rolls? A No sir.

Q Did you or any one for you in 1896 or for your children at that time under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation--Did you go or send to the Commission five years ago? A No sir.

Q Have you ever been admitted to citizenship with your children in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.

Q Have you ever made application before this for yourself and children to either the Choctaw tribal authorities or the authorities of the United States for citizenship or enrollment in the Choctaw Nation? A Yes, two years ago.

Q Where was that? A At Philadelphia.

The records of the Commission show that this applicant, giving his surname then as Hochema, appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, January 30, 1899, and made application for the identification of himself and four children, Emma, Ella, Cathrin and Larbin as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 131, also upon page 52 of the schedule of Mississippi Choctaws which accompanied the report of the Commission to the Five Civilized Tribes of March 10, 1899, to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provision of the Fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 464 to 468 inclusive.

Q When you appeared before the Commission to years ago, the Commission got the names of two of your children as Emma and Cathrin--are those names correct? A No sir, it should be Emma and Carson.

Q Larbin is a boy? A Yes sir.

Q Do you now make application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you make this claim to be identified as Mississippi Choctaws for yourself and children under article fourteen of the treaty of Dancing Rabbit Creek? A Do you claim under that treaty? A Yes sir.

Q Do you understand that treaty?--Article fourteen of that treaty? A Yes I heard about it.

Q Do you understand pretty well about it? A No, not much.

Q Do you want me to tell you about it? A Yes.

Q In 1830, over seventy years ago, the United States made a treaty or agreement with the Choctaw Indians in Mississippi and Alabama, and they said in that treaty that they would take them all out into the Indian Territory. But a good many Indians did not want to go. Some went, a good many went and are out there now. But those who stayed in Mississippi had to do certain things that the government put into article fourteen of the treaty. An article of a treaty means a part of the treaty and the fourteenth article was put into the treaty

Davis Himotubbe----3.

to protect the Choctaw Indians who stayed in Mississippi, to see that they did not lose their rights. Article fourteen said that the Mississippi Choctaw who desired to stay in Mississippi must go to the United States Indian Agent within six months after the treaty was ratified and tell ~~xx~~ him that he wanted to stay in Mississippi and did not want to go to the territory and take land here and live on it and by and by get a patent from the government and by and by he would be a citizen of the United States; they could become citizens of the United States five years after the treaty? Do you understand that? A Yes.

Q Did your father or mother, or your grandfather or grandmother, do that--stay in Mississippi and go to Colonel Ward and tell him, the Indian Agent, that they wanted to stay here and get land? A Yes my grandfather did.

Q What was his name? A Me-ah-shan-tah

Q Who was Me-ah-shan-tah? A My grandfather.

Q What was your mother's name? A Hochemah.

Q What kin was Me-ah-shan-tah to Hochemah? A Me-ah-shan-tah was Hochemah's father.

Q Is your mother living? A No, dead long time.

Q Can you give the name of your mother's sister--your mother's oldest sister? A Tonubbe.

Q What were the names of your mother, Hochemah's brothers? A Hootubbee.

Q Is he living or dead? A Dead, been dead long time.

Q Give me the name of another one? A Pasachubbe.

Q Is he living or dead? A Been dead long time.

Q Do you know that the government gave your grandfather, Me-ah-shan-tah land? A Yes.

Q How much was there of it? A One square mile.

Q Have you ever seen the patent to that land? A Yes, Joe Welch has got patent.

Q How does it look? A Looks like sheepskin.

Q Did anybody tell you what it was? A Yes.

Q What did they say it had on it? A Had on it government give land to grandfather.

Q How did Joe Welch happen to have that patent? A He holds it for taxes.

Q Was it given to him or his father? A His father, Jim Welch.

Q Is his father living or dead? A Dead long time.

Q How Welch lives where? A Philadelphia.

Q Do you know what Jim Welch did to get that deed or patent? A It was going to be sold for taxes and Jim Welch paid the taxes.

Q Did you ever see a deed granted to your mother Hochemah by the government? A No, I never seen it.

Q Was she going to get one? A I don't know nothing about it.

Q Who was going to make out the deed for her, do you know? A I don't know.

The records in the possession of the Commission show that Me-ah-shan-tah, the grandfather of this applicant, received land from the United States government in Mississippi under article fourteen of the treaty of 1830, as is evidenced by the report, Abstract No. 1, by Commissioners Tyler, Gaines & Rush, contained on page 547 of Volume one of the record in the Court of Claims in the case of the Choctaw Nation of Indians vs. The United States, No. 12742. Said record on said page 547 shows further that Me-ah-shan-tah's daughter, Tonubbe, over ten years of age, also received from the United States government one half sec-

Davis Himonubbe----4.

tion of land; that this applicant's mother, Hochemah, and this applicant's two uncles, Hootubbee and Pasachubbe also received a quarter section of land each. That the Commissioners found that this applicant's grandfather, Me-ah-shan-tah, attempted to signify his intention of remaining five years, and the side notes show that continued residence was proven, and "Commissioners allow the claim and award land, it not having been disposed of by government."

Q Did any of your ancestors, your kin folks, go from Mississippi or Alabama to the Indian Territory when the other Indians went to the territory between 1833 and 1838? A No.

Q Are there any additional statements you want to make in support of this application? A No.

Q Have you any documentary evidence, affidavits written testimony of any description, copies of records, deeds or patents or any other proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder? A No.

Thirty days time from the date hereof is allowed applicant in which to introduce documentary evidence, or any further testimony that he may desire, in support of this application for himself and children.

Q Do you think you could get the patent that Joe Welch has and bring it in here to the Commission? A He won't let me have it.

Q Do you think you could get a copy of it---a certified copy? A Yes

If you can do so, try to get the original patent that Joe Welch has in Philadelphia and bring it here so that the Commission can see it in order to help you in this application. If you cannot get the original patent, try and get a certified copy of it and file ~~in~~ it with the records in your case. Time is allowed you now in which to do so.

This applicant has the appearance and physical characteristics of a full blood Choctaw Indian. He speaks the Choctaw language and also has sufficient knowledge of the English language to partially give his testimony in English. He claims a compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830 as evidenced from the fact that the records in the possession of the Commission disclose that his grandfather, Me-ah-shan-tah, received land from the United States government as a beneficiary under article fourteen of the treaty of 1830; that Me-ah-shan-tah's children, Tonubbe, Hochemah, Hootubbee and Pasachubbe also received land from the United States government as beneficiaries under article fourteen of that treaty and that Ho-che-mah, who received the NE 1/4 Sec.2, Twp.8, R 13 East, was his mother.

Mary Hochemah, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows: through Isham Johnston, official interpreter:

Examination by the Commission:

Q What is your name? A Mary Hochemah.

Q Are you a full blood Choctaw Indian? A Yes.

Davis Himonubbee---5.

- Q Where do you live? A Neshoba county.  
Q What is your post office address? A Battlefield, Mississippi.  
Q Is Davis Himonubbee your brother? A Yes.  
Q What was your mother's name? A Hochemah.  
Q What was your mother's father's name? A Me-ah-shan-tah.  
Q Was Me-ah-shan-tah also the grandfather of Davis Himonubbee? A Yes.  
Q Did your grandfather, Me-ah-shan-tah receive land from the United States government under article fourteen of the treaty of 1830? A Yes.  
Q How much land did he receive? A One square mile.  
Q Did you ever see the deed that was given to your grandfather by the government of this land? A Yes.  
Q How did it look--like paper? A It was yellow.  
Q Did it look like paper? A Sheepskin.  
Q Did anybody tell you what this sheepskin was--did anybody tell you it was a deed from the government to the land given to your grandfather? A My mother told me.  
Q Who has got that patent now? A Jim Welch.  
Q Is he living or dead? A Dead.  
Q What is Jim Welch's son's name? A Joe Welch.  
Q Is Joe the person who has got the patent now? A Yes.  
Q Has he got it for taxes paid on that land? A Don't know about that.

(Witness Excused)

Applicant, Davis Himonubbee re-called:

The decision of the Commission as to your application for identification as Mississippi Choctaws which you make for yourself and your minor children will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of July, 1901.

*H.C. Risteen*  
*[Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Davis Himonubbe, et al.,  
for identification as Mississippi Choctaws, W.C.R. 2911.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on July 9, 1901, by David Himonubbe for himself and his four minor children, Emmon, Ella, Carson and Larbin Himonubbe, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw

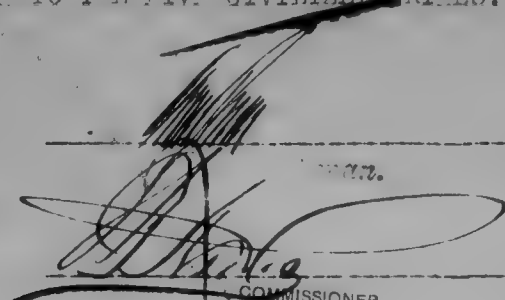
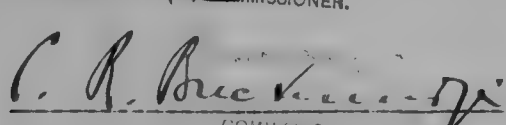


Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Davis Himonubbe, Eamon Himonubbe, Ella Himonubbe, Carson Himonubbe and Larbin Himonubbe should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
COMMISSIONER.  
  
\_\_\_\_\_  
COMMISSIONER.

Muskogee, Indian Territory,

APR 27 1903

M C R 2911

Copy.

Muskogee, Indian Territory, May 5, 1903.

Davis Himonubbe,

Battlefield, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and four minor children, Emmon Himonubbe, Ella Himonubbe, Carson Himonubbe and Larbin Himonubbe as Mississippi Choctaw Indians under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tamc Birba*  
Chairman.

Registered.

Enc. 2911.



# THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

WHEREAS, under the *fourteenth Article of* the Treaty, concluded at Dancing Rabbit Creek, on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, by the Commissioners on the part of the United States, and the Chiefs, Captains, and Head Men of the Choctaw Nation, on the part of said Nation, *Me-ah-shan-tah (as head of a family)*—became entitled, out of the lands ceded to the United States by the said Treaty, to *one Section* of land;

And whereas, it appears from a return, reported November 22<sup>d</sup> 1845, by the Commissioners of Indian Affairs to the General Land Office, that the Commissioners under the Act of Congress, approved 23<sup>d</sup> August 1842, entitled "An Act to provide for the satisfaction of claims arising under the fourteenth and nineteenth Articles of the Treaty of Dancing Rabbit Creek, concluded in September, one thousand eight hundred and thirty," have made an award, which was approved on the 28<sup>th</sup> July 1845, by the Secretary of War, in favor of the said *Me-ah-shan-tah*, of the following described tract, viz: Section thirty five, containing six hundred and forty nine acres, and ninety two hundredths of an acre, in Township nine, (North) Range thirty two, East of the Choctaw Meridian, in the District of Mississippi subject to the land of Columbus Mississippi—

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the provisions of the said Treaty, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said *Me-ah-shan-tah*, and to the heirs of the same—

~~and to~~ ~~have~~ the said tract of land above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said *Me-ah-shan-tah* and to the heirs and assigns for ever, of the said *Me-ah-shan-tah*

IN TESTIMONY WHEREOF, I, *James K. Polk* PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the *fifth* day in the year of our Lord one thousand eight hundred and

States by the said Treaty, to *one Section* of land;  
And whereas, it appears from a return, reported November 22<sup>d</sup> 1845, by the Commissioners  
of Indian Affairs to the General Land Office, that the Commissioners under  
the Act of Congress, approved 23<sup>d</sup> August 1842, entitled "An Act to provide for  
the satisfaction of claims arising under the fourth and nineteenth  
articles of the Treaty of Dancing Rabbit Creek, concluded in September,  
one thousand eight hundred and thirty," have made an award, which  
was approved on the 28<sup>th</sup> July 1845, by the Secretary of War, in favor of the  
said Me-ah-shan-tah, of the following described tract, viz:  
Section thirty five, containing six hundred and forty nine acres,  
and ninety two hundredths of an acre, in Township nine, (North)  
Range thirty six, East of the Tenth Meridian in the District of  
lands subject to the United States at Columbus Mississippi

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the promises, and  
in conformity with the provisions of the said Treaty, HAVE GIVEN AND GRANTED, and by these presents DO  
GIVE AND GRANT, unto the said Me-ah-shan-tah, and to the heirs of the same —,

~~and to~~ ~~have~~ the said tract of land above described: TO HAVE AND TO HOLD the same, together  
with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said  
Me-ah-shan-tah  
and to the heirs and assigns for ever, of the said Me-ah-shan-tah

IN TESTIMONY WHEREOF, I, *James K. Polk* PRESIDENT  
OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the  
GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the *fifth* day  
of *January* in the year of our Lord one thousand eight hundred and  
*forty six* and of the INDEPENDENCE OF THE UNITED STATES the  
*seventieth*.

BY THE PRESIDENT:

By

*James K. Polk*  
*John Nelson*

Sec'y.

Recorded Vol. 2 Page 402

*22*  
*22*

*A. J. Laughlin*, Register of the General Land Office.

#1101

No

For Identification as a Mississippi Choctaw.

Date

JUL 9 1901

Name: Davis Kim-o-nubbe

Age 52 Blood full.

Post Office, Battlefield, Miss.

Father: Kim-o-nubbe, f.b. &

Mother: Hochemah, f.b. &

Claims through both parents  
Mattie (wife) (d) f. b.

See M.C. Card filed  
No. 131

Children:

Common boy 20.

Ella girl 19

Carson girl 18

Larkin boy 14

For self & children

Stenographer H.C. Ristrain

INFORMATION AS  
MISSISSIPPI CHOCTAW

RE 3911

*Davis Henry - member*

IDENTIFIED

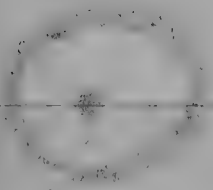
2911

DECISION NUMBERED

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OF  
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OF



*Handwritten text at the bottom of the page, possibly a signature or date.*

Choctaw MCR 2912

Shook-Him-o-nubbee

MCR 2912

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Shook Himonubbe, et al.,  
for identification as Mississippi Choctaws, M.C.R. 2912.

--: I N D E X :--

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 9, 1901.

In the matter of the application of Shook Himonubbe for the identification of himself and two minor children as Mississippi Choctaws.

Shook Himonubbe, having been first duly sworn, upon his oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Shook Himonubbe.  
Q What is your age? A Fifty.  
Q What is your post office address? A Battlefield, Mississippi.  
Q What is your father's name? A Himonubbe.  
Q Is he living or dead? A Dead.  
Q Was he a full blood Choctaw Indian? A Yes.  
Q Is your mother living or dead? A Dead.  
Q What was her name? A Hochemah.  
Q Was she a full blood Choctaw Indian? A Yes.  
Q Do you claim to be a full blood Choctaw Indian? A Yes.  
Q You claim your Choctaw blood through both your father and mother?  
A Yes.  
Q Have your parents through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities out in Indian Territory? A No.  
Q Are you married? A Wife dead.  
Q What was her name? A Maggie Jane.  
Q Was she a full blood Choctaw? A Yes.  
Q Have you children you want to make application for, under twenty one years of age and unmarried? A Yes.  
Q What is the name of the oldest? A Bobbie, nineteen.  
Q What is the name of the next? A Laben.  
Q How old? A About twelve.  
Q Is Bobbie a girl or boy? A Girl.  
Q Is Laben a boy or girl? A Boy.  
Q Have you any other children? A One more, Betsie.  
Q How old is Betsie? A Ten.  
Q Is she living with her or with her uncle, Willie Wilson? A With Willie Wilson.  
Q Is he her uncle? A Yes sir.  
Q How long has she been living with Willie Wilson? A About ten years.  
Q Been living with him all her life? A Yes.

The records of the Commission show that Willie Wilson appeared before the Commission at Meridian, Mississippi, June 29, 1901/ and made application at that time for the identification of his minor neice, Bettie Shook, the daughter of this applicant, her name appearing upon Mississippi Choctaw Card, Field No. R-2791.

- Q Is Maggie Jane the mother of these children? A Yes sir.  
Q And you are the father? A Yes sir.  
Q How were you married to Maggie Jane---were you married by a minister? A No, Choctaw custom.  
Q Is your name or your children's name on the tribal rolls of the Choctaw Nation in Indian Territory? A No.



Shook Himonubbe---2.

Q Have you ever made application for yourself or children to the Choctaw tribal authorities to be made members of the Choctaw tribe of Indians? A No.

Q Did you or any one for you or for your children in 1896 under the act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Dawes Commission? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.

Q Have you ever before this made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or the United States authorities? A Yes.

Q Where? A At Philadelphia, two years ago.

The records of the Commission show that this applicant appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, January 30, 1899, and made application for the identification of himself and three minor children as Mississippi Choctaws, their names appearing as Shook, Bobbie, Laben and Betsie Himmo-haubbee on Mississippi Choctaw Card Field No. 158, also upon page 56 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899 of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 543 to 546 thereon.

Q Is it now your purpose to make application for identification as Mississippi Choctaws for yourself and children? A Yes.

Q Do you claim this right for yourself and them as beneficiaries under article fourteen of the treaty of 1830? A Yes.

Q Do you understand about that treaty of 1830? A Yes.

Q As you understand that treaty, I will article fourteen will not be read to you, but you will be told in a few plain words about article fourteen of the treaty of 1830, and then asked if you had ancestors who complied with that article. In 1830, seventy years ago, the government wanted to get all of the Choctaw Indians to go out to the Indian Territory, so they made a treaty with the Choctaw Indians that was signed by the Choctaw Indians, by their representatives, and by the United States government. After that treaty was made a good many Indians went to the Indian Territory, but a good many Indians did not want to go and didn't go, so before the Choctaw people signed that treaty the government was asked to put something in that would protect the rights of the Choctaws who stayed here--the Mississippi Choctaws. So they put into that treaty, article fourteen. Article fourteen provided that all Indians who wanted to stay here might do so without losing their rights as Choctaw Indians in the Indian Territory if they did certain things, and those things were: That they were to go to the Indian agent, whose name was Colonel Ward, who lived in Mississippi at that time--in 1830, they must go to him within six months after the ratification of that treaty and tell him they wanted to stay in Mississippi and did not want to go to the territory,--that they wanted to stay here and have land given to them by the government; that they wanted to live on that land and own it by and by, and wanted to become citizens of the United States, and not be Choctaw citizens any more. Those



Shook Himonubbe----3.

•Choctaw Indians who stayed here, and did these things, would have rights with their descendants in the Choctaw Nation, Indian Territory if they afterwards desired to remove there, and there were some Indians at that time who went to Colonel Ward and told him they wanted land and they had land given to them and they lived on it five years and at the end of five years were given a patent to the land--do you understand that all right? A Yes.

Q Did any of your ancestors, your kin folks, your father or mother, or grandfather or grandmother, go to Colonel Ward, and tell him they wanted and got the land and afterwards got a patent from the United States government for that land? A One of my ancestors stayed here and got land in Mississippi.

Q What was his name? A Me-ah-shan-tah.

Q What relation was he to you? A Grandfather.

Q Your mother's father or father's father? A Mother's father.

Q What was your mother name? A Hochemah.

Q Was she living in 1830? A Yes.

Q Did she get land from the government too? A Yes.

Q How much did your grandfather get? A Mile square.

Q Did your mother's sister get any land? A Yes.

Q What was her name? A Tonubbe.

Q Was she older than your mother? A Yes.

Q Was Hootubbee a brother or sister of your mother? A Brother.

Q Do you know the name of your mother's other brother? A Pasachubbe.

Q Did all of these children of Me-ah-shan-tah including your mother, that is Tonubbe, Hochemah, Hootubbee and Pasachubbe, all get land from the government? A Yes.

Q Did you ever see that patent that was issued by the United States government to your grandfather Me-ah-shan-tah under the provisions of article fourteen of the treaty of 1830? A Yes.

Q Who has it now? A Jim Welch.

Q He is dead now? A Yes.

Q Who has it now? A Joe Welch.

Q Who is he? A Son to Jim.

Q Did you ever see that patent yourself? A Yes.

Q How did it look? A Yellow.

Q Was it paper--if it was not paper what was it? A Sheepskin.

Q Did they tell you what words were on it. A No.

Q Did you know what it was for--was it for land? A That was patent for land.

Q What was a patent for land--who gave that land to your grandfather? A McDonald.

Q Who was McDonald, an agent of the United States government? A Yes.

Q Do you understand that that patent for land was a patent for land that came from the government of the United States to your grandfather? A Yes.

Q Do you know how much land your mother got from the government?

A About eighty acres.

Q It was a quarter section was it not? A Yes.

Q It was one hundred and sixty acres, a quarter of a section was it not? A Yes, one hundred and sixty acres.

The records in the possession of the Commission show that Me-ah-shan-tah, grandfather of this applicant, received land from the United States government in Mississippi under article fourteen of the treaty of 1830, as is evidenced by the report, Abstract No.1, by Commissioners Tyler, Gaines & Rush, contained on page 547 of Volume one of the record in the Court of Claims in the case of the Choctaw Nation of Indians vs. the

Shook Himonubbe---(4)

United States, No. 12742. Said record on said page 547 shows further that Me-ah-shan-tah's daughter, Tonubbe, over ten years of age, also received from the United States government one half section of land; that this applicant's mother, Hochamah, and this applicant's two uncles, Hootu bbee and Pasachubbee also received a quarter section of land each. That the Commissioners found that this applicant's grandfather, Me-ah-shan-tah, attempted to signify his intention of remaining five years, and the side notes show that continued residence was proven, and "Commissioners allow the claim and award land, it not having been disposed of by government."

Q Did any of your ancestors go from the states of Mississippi and Alabama to the Indian Territory when the Choctaw Indians went there between 1833 and 1838? A No.

Q Is there anything more you want to say? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents or any other papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits under that article of that treaty? A No.

Q Do you know anything about the patent or deed that your mother was entitled to receive from the United States government for land which she received? A No.

Q She didn't get that deed? A No.

Q Do you know why she did not get it? A No.

By the Commission:

You are advised that if you can do so, you should get the original patent from Joe Welch, Philadelphia, Mississippi, of the land that was granted to your grandfather Me-ah-shan-tah under the provisions of the fourteenth article of the treaty of 1830, and bring or send it to the Commission, and have it filed with the records in your case. If it is impossible for you to get the original patent you are advised if you can do so to get a certified copy of it and have it filed with the record in your case. Thirty days time from the date hereof is allowed you to file any documentary evidence which you care to file in support of this application and also to introduce such other evidence as you may desire to introduce in support of this claim.

This applicant has the appearance and all characteristics of a full blood Choctaw Indian. He does not speak the English language. He claims a compliance on the part of his ancestors with article fourteen of the treaty of 1830, as evidenced from the fact that the records in the possession of the Commission disclose that her grandfather, Me-ah-shan-tah, received land from the United States government under article fourteen of the treaty of 1830; that Me-ah-shan-tah's children, Tonubbe, Hochamah, Hootubbee and Pasachubbe also received land from the United States government as beneficiaries under article fourteen of that treaty and that Ho-che-mah, who received the NE 1/4, Sec. 2, Twp. 8, R. 13 East, was her mother.

Shook Himonubbe-----5.

Mary Hochemah, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows, through Isham Johnston, official interpreter:

Examination by the Commission:

- Q What is your name? A Mary Hochemah.  
Q What is your post office address? A Battlefield, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q Are you a sister of Shook Himonubbe and Davis Himonubbe? A Yes.  
Q Is your grandfather Me-ah-shan-tah also the grandfather of Shook Himonubbe and Davis Himonubbe? A Yes.  
Q Did Me-ah-shan-tah receive land from the United States government as a beneficiary under article fourteen of the treaty of 1830? A Yes.  
Q Did you ever see the patent to that land? A Yes.  
Q Where is it now? A Jim Welch had it--he is dead.  
Q Who has it now? A Joe Welch.  
Q Where does Joe Welch live? A Philadelphia.  
Q Did your mother tell you what that patent was? A Yes.  
Q Did she tell you it was for land which the United States Government gave to her father? A Yes.  
Q How much land did your grandfather receive from the government?  
A A mile square.  
Q In what county? A Neshoba county.

(Witness Excused)

Davis Himonubbe, having been first duly sworn, upon his oath testifies as follows, in regard to the application of Shook Himonubbe:

Examination by the Commission:

- Q What is your name? A Davis Himonubbe.  
Q How old are you? A Fifty two.  
Q What is your post office address? A Battlefield, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q Are you related to Shook Himonubbe? A Yes brother.  
Q And Mary Hochemah? A That is my sister.  
Q What was your grandfather's name on your mother's side? A Me-ah-shan-tah.  
Q He was Shook Himonubbe's grandfather? A Yes.  
Q Did he ever receive a patent from the United States government for land granted to him under article fourteen of the treaty of 1830?  
A Yes.  
Q What was that patent? A It was sheepskin.  
Q You have seen that patent have you? A Yes.  
Q Did you know it was a patent for land coming from the government?  
A Yes.  
Q Was it white or black or how did it look? A Most yellow.  
Q Where is it now? A Jim Welch, his son, Joe Welch got it now at Philadelphia.  
Q How much land did your grandfather get from the government under that patent. A Mile square.  
Q In what county is that land? A Neshoba county.

(Witness Excused). 5

Shook Himonubbe-----6.

The applicant, Shook Himonubbe, Re-called:

The decision of the Commission as to your application for the identification of yourself and two minor children as Mississippi Choctaws will be determined at the earliest possible date and a report of the same made to the Secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 28, 1898, and a copy of such decision will be mailed to you at your post office address as given in your testimony at this time.

H.C.Risteen, having been duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of July, 1901.

*[Signature]*  
Notary Public.

Cow.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Shook Himonubbe, et al.,  
for identification as Mississippi Choctaws, U.C.R. 2912.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on July 9, 1901, by Shook Himonubbe for himself and his two minor  
children, Bobbie and Lahen Himonubbe, under the following provision  
of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that all the applicants are full blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902  
(32 Stats., 841) and ratified by the Choctaw and Chickasaw Nations

September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eight hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Shook Hinsonubbe, Bobbie Hinsonubbe and Laren Hinsonubbe should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



C. R. Burtin

Mustang, Indian Territory,

APR 27 1903

1912

COPY.

Okmulgee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Shook Himonubbe and his two minor children Bobbie Himonubbe anduben Himonubbe as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Shook Himonubbe and his two minor children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.  
Enc. 1912



M.C.R. 2912.

COPY.

Muskegee, Indian Territory, May 6, 1903.

Shook Himonubbe,

Pattiefield, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your minor children, Bobbie Himonubbe and Laben Himonubbe, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tahomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Registered.

No. 2912.



#1102

No

For Identification as a Mississippi Choctaw.

Date

Name Shoon Kim-o-nubbe

Age #50 Blood full

Post Office, Battelfield, Miss.

Father: Kim-o-nubbe, f.b.d

Mother: Hochemah, f.b.d

Claims through both parents.  
wife. Maggie Jane  
Marion (L) f.b.

See M.C. Card field.

No. 158

Children:

Bobbie (girl) 19

Laben (boy) 12

Claims for self &  
children,

Stenographer H.C. Risher

FOR IDENTIFICATION AS  
MISSISSIPPI CHOCTAW.

R.

Shoosb Kinn-a-mubba, v

CONFIDENTIAL

CONFIDENTIAL

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CONFIDENTIAL

CONFIDENTIAL

Choctaw MCR 2913

Mary Luvenia Means

MCR 2913

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 19, 1901.

2913

In the matter of the application of Mary Luvenia Means for the identification as a Mississippi Choctaw.

Q Mary Luvenia Means being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Luvenia Means.
- Q How do you spell it? A I don't know, I can't spell.
- Q What is your age? A A I am forty five.
- Q What is your post-office address? A Mexia, Texas.
- Q How long have you lived there? A All my life round there in that settlement.
- Q You have lived in Texas all your life? A Yes.
- Q You were born there and never had a home anywhere else? A Yes.
- Q What is your father's name? A Scip Means.
- Q How do you spell it? A I don't know.
- Q Is he living? A Yes.
- Q What is your mother's name? A Ann Means.
- Q Is she living? A No, my mother's dead.
- Q Through which one of your parents do you derive your Choctaw blood?
- A My mother.
- Q How much Choctaw blood do you claim? A One quarter I claim.
- Q Has your mother through whom you claim the right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No, not as I knows of.
- Q Are you married? A No.
- Q Making this application for yourself alone? A Yes.
- Q Have you ever been married? A No.
- Q Is your name anany of the tribal rolls of the Choctaw nation in the Indian Territory? A No, not as I knows of.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No, not as I knows of.
- Q Did you make any such application? A No.
- Q Did you ever tell any one to make one for you? A No.
- Q Do you think any one made one for you? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities, or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No.
- Q Have you ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Is this the first application you have ever made of any kind? A Yes.
- Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.
- Q How do you claim the right now to be identified as a Mississippi Choctaw? A Well, my mother or her father was Choctaw and that give her half; she was half Choctaw.
- Q Then you are making your claim now because you have always been taught that your mother had Choctaw blood? A Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A No.

The law giving the Commission power to hear applications for identification as Mississippi Choctaws gives it the right to identify those Choctaws who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived in the State of Mississippi and exchange their land in Mississippi for land over West of the Mississippi River and remove them to the country West of the River. But they found that no treaty could be made until some provision was made for those Choctaw who wanted to stay in Mississippi; so article fourteen was put into this treaty for the benefit of those Indians who didn't want to come West.

Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay there in Mississippi and if they went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay there and become citizens of the United States, they could receive a reservation of land from the government and they would not lose the privilege of Choctaw citizenship but if they ever removed were not to receive any portion of the Choctaw annuity. F Do you claim anything under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Do you know what the word benefits means? A No.

Q It means getting anything that would do you good, money or land--?

A No, I have never got anything.

Q Did any of your ancestors ever get any benefits as Choctaw Indians?

A No.

Q Do you know what the word ancestor means? A No.

Q It means your grandfather or grandmother or your grand, great grandparents-- some one of your foreparents? A No; I don't know.

Q What was the name of your ancestor or ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw tribe--?

Q Well, my grandmother didn't live in Mississippi; But she came from Mississippi and my grandfather he came from Mississippi to Franklin County, Texas.

Q What was your grandmother's name? A Mary Collins.

Q Was she a Choctaw Indian? A She was full-blood negro.

Q Well, you can't claim any Indian blood through her. A My mother was her daughter.

Q Well, did your mother get her Choctaw blood through Mary Collins?

A No, my grandfather.

Q What was his name? A Bob Hunt-- that is what I was taught.

Q Did you know him? A No.

Q How much Choctaw blood did he have? A I don't know; they do say he was a full blood Choctaw; that's what I was taught and that made my mother half.

Q What was your mother's other blood? A Negro.

Q And what was your father? A Negro.

Mary Luvenia Means---3

Mary Luvenia Means---3

- Q Was your mother a slave? A Yes.
- Q Was your father a slave? A Yes.
- Q Were you ever a slave? A Yes.
- Q And you don't know whether your grandfather, Bob Hunt, ~~your~~ lived in Mississippi in 1830 or not? A No I don't know.
- Q What was Bob Hunt's mother's name? A I don't know.
- Q What was Bob Hunt's father's name? A I don't know.
- Q Did Bob Hunt have any Choctaw name? A No not as I know of.
- Q Did he live in Mississippi? A Don't know.
- Q Did you ever hear he lived in Mississippi? A I heard my grandmother say he came from Mississippi but I don't know whether he lived there or not.
- Q Did he come West with the other Indians to this new country from 1833 to 1838? A No, not as I know of.
- Q You say he came to Texas? A Yes, he came to Franklin.
- Q Do you know what time he came to Texas? A No.
- Q Were your grandfather and grandmother married? A Well what we call old slavery time marriage.
- Q Have you any evidence of that marriage? A Well, my aunt there, she-
- Q Is your aunt your mother's sister or your father's sister?
- A Its my father's sister.
- Q Is she the daughter of Bob Hunt and Mary Collins? A Yes.
- Q She wouldn't know anything about their marriage would she? A No.
- Q Is there anybody living who would know that your grandfather and grandmother always lived together as man and wife? A No, not as I know of.
- Q Did your grandfather, Bob Hunt, go to the United States Indians agent within six months after the treaty of 1830 was ratified and tell him the he wanted to stay in Mississippi and become a citizen of the United States? A No, not as I know of.
- Q Anybody living who would know about that? A I don't know.
- Q And you don't know of anybody living who knows whether your father was Choctaw Indian and lived in Mississippi in 1830? A No.
- Q Do you know of anybody living who knows whether he came West to the Indian Territory with the other Indians or whether he told the Indian agent he wanted to stay in Mississippi? A No.
- Q You understand that it is very material to your case, that is very important that you should have somebody testify on these points?
- Q I don't know anybody to testify on them.
- Q You said you never knew your grandfather? A No, I don't know him.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No not as I know of.
- Q Did you ever hear that any of them, Bob Hunt, or any other of them did? A No.
- Q Did any of your ancestors ever get any land from the Government under the treaty of 1830? A Not as I know of.
- Q Did any of them ever get any scrip from the government? A Not as I know of.
- Q Have you any records of that in your family, any copies of deeds or patents or any papers to show that your ancestors or your grandfather or any of your foreparents got land in Mississippi? A No I haven't.
- Q Have you any documentary evidence, affidavits or any kind of papers that you want to file? A No.
- Q Do you want to offer the evidence of Mary Jane McElroy, your aunt, in your case? A I don't know nothing only what my mother and her was sisters.
- Q Well, do you want to have her testify on that fact before the Commission? A Yes.

Mary Jane McElroy being called and sworn as a witness in this case

Mary Luvenia Means---4

testified as follows in behalf of applicant:

Examination by the Commission:

- Q What is your name? A Mary Jane McElroy.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield, Texas.  
Q Are you acquainted with the applicant, Mary Luvenia Means? A Yes.  
Q Is she related to you? A Yes.  
Q What relation? A My oldest sister's daughter.  
Q She is your niece then? A Yes.  
Q What is her mother's name? A Martha Ann.  
Q Is she living? A No.  
Q What is her father's name? A Bob Hunt; no, Scip Means.  
Q Is he living? A Yes.  
Q Through which one of her parents does she get her Choctaw blood?  
A Through her mother.  
Q And you say her mother and you are sisters? A Yes.  
Q What was the name of your mother and Ann Means mother? A Mary Collins.  
Q Was she Choctaw? A No.  
Q What was she? A Negro.  
Q What was the name of the father of both you and Ann Means?  
A Bob Hunt.  
Q What was he? A He was Choctaw Indian; that was what we was always taught.  
Q Did you know him? A No.  
Q Never saw him? A No.  
Q Do you know whether he came from Mississippi to the Indian territory when the other Indians came between 1833 to 1838? A No.  
Q Do you know whether he went to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No.  
Q Do you know anybody living who would know about these things? A No.  
Q You and Mary Luvenia Means get your Choctaw blood through the same common ancestor, do you? A Yes.  
Q And that common ancestor is Bob Hunt? A Yes.  
Q What relation is he to Mary Luvenia Means? A Her grandfather.

Witness excused.

To applicant: Q Is there anything else you would like to say in support of your application? A Nothing that I know of.

Q Anything you know I have not asked you about? A No.

This applicant has kinky black hair and head shaped like a negro and brown skin which may show slight traces of Indian blood, and her nose is straight and rather broad; her mouth and lips are very thick and her general appearance is that of a negro.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830. She does not know her ancestors except her father and mother and knows little about any of her other ancestors from family history. She does not know the name of her great grandfather or great grandmother.

Q You stated that you didn't know of any witnesses who could testify about these things? A No, not that I know of.



Harry I. Lavinia, Notary Public

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses or their depositions or affidavits you will be permitted to do so and the Commission will make them a part of the records in your case.

Henry G. Haine being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 16, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haine

Subscribed and sworn to before me this 17 day of August, 1901.

W. Hinebaugh  
Notary Public.



Waukegee, Indian Territory, September 10, 1901.

Benie Means,  
Care Pinckney Smith,  
Mexico, Texas.

Dear Madam:-

Receipt is hereby acknowledged of your letter of August 17th, in which you ask to be informed if John Lewis, a Choctaw Indian gave testimony before the Commission at Atoka in the cases wherein Jane MacElroy, Mary Sims, Paul Prendergast and brothers, and yourself are applicants. You state that said applications were made on the 10th and 11th of July.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Benie Means has appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Mary Irena Means, of Mexico, Texas, forty-five years old, the daughter of Sip and Ann Means, applied for identification as a Mississippi Choctaw on July 11th, 1901.

On July 10th, Mary Jane MacElroy and Mary Sims appeared before the Commission as applicants for identification as Mississippi Choctaws. On July 10th, Paul Prendergast and Jeff Prendergast, sons of Mack and Nina Prendergast, appeared before the Commission as ap-

P. M., 92.

licants for identification as Mississippi Choctaws. It does not appear from our records that any other brother of Paul Pruderger has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw.

You are advised that the testimony of John Lewis has not been taken before the Commission at Atoka in these cases. If you wish to offer the testimony of John Lewis in support of these applications, and will bring him before the Commission, he will be examined orally in behalf of these applicants.

Yours truly,

M. C. 2908  
M. C. 2909  
M. C. 2910  
M. C. 2911  
M. C. 2912,

Muskogee, Indian Territory, December 3, 1901.

Mary Luvenia Means,

Mexia, Texas,

Dear Madam:

Receipt is hereby acknowledged of the affidavit of Isaac Bowie, which has been offered for filing in support of your application for identification as a Mississippi Choctaw. The same has been duly filed with the record in this case, and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MC 2913

Muskogee, Indian Territory, December 22, 1901.

Mary Luvenia Means,  
Mexico, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of the nineteenth instant, in which you ask if your application needs any further evidence to sustain it.

In reply to your letter you are informed that the record in your application for identification as a Mississippi Choctaw shows that there have been filed in support thereof the joint affidavits of Henry Williams and Dick Robinson and the affidavit of Isaac Bowie. The Commission cannot render any opinion relative to the sufficiency of the evidence filed in support of applications for identification as Mississippi Choctaws until the same are taken up for final consideration and decision. If you desire to offer any further evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves in person at its office in Muskogee, Indian Territory; if your witnesses live in Mississippi, they may be heard at the Commission's office at Meridian, Mississippi, from January 15 to February 15, 1902. If you

M.L.M. 2

are unable to secure the personal attendance of your witnesses because of nonresidence in Mississippi or the Indian Territory, or on any other ground which would constitute inability, under the rules of the Commission, their depositions will be considered if taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is herewith inclosed for your information.

Yours truly,

Commissioner in Charge.

No 2913.

Rules for taking depositions.

Muskogee, Indian Territory, January 28, 1902.

Mary Luvenia Means,  
Mexia, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty fourth instant, in which you ask that you be granted a month's time in which to offer additional evidence in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that you will be allowed a reasonable time within which to offer such additional evidence as you may desire in support of your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

MC 2913

Miss. Chootaw 2913

Muskegee, Indian Territory, April 16, 1902.

Mary Luvenia Means,  
Mexia, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 12, stating that you cannot get the witness whose testimony you expected to offer in support of your application for identification as a Mississippi Chootaw, and do not know where to secure any additional proof in your case. You ask to be advised what to do in the premises.

In reply to your letter you are informed that the Commission will accept such evidence as you may desire to offer in behalf of your claim, but cannot advise you with reference to the means for procuring same. In the event you do not secure the testimony of other witnesses in your case, your application will be taken up for consideration and determination on the record already made.

Yours truly,

Acting Chairman.

M C R 2013

Muskogee, Indian Territory, December 5, 1902.

Mary Euvonia Means,  
Mexia, Texas.

Dear Madam:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McKelvey, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

SIGNED

*Jane Smith*

Acting Chairman.



Miss. Choctaw 2913.

Muskogee, Indian Territory, May 20, 1902.

Mary Luvenia Means,  
Mexia, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 17, in which you ask what action has been taken in the matter of your application for identification as a Mississippi Choctaw, and whether any additional evidence is necessary.

In reply to your letter you are advised that no decision has been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action taken by the Commission. The Commission can not take up for consideration and pass upon the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are reached for determination.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 2913

Muskogee, Indian Territory, September 17, 1902.

Mary Luvenia Means,  
Mexia, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 14, in which you ask to be informed the present status of your application for identification as a Mississippi Choctaw. You also wish to know when the Commission will discontinue the hearing of applications for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision nor opinion has yet been rendered relative to your right as a Mississippi Choctaw. As soon as such a decision is reached you will be notified of the action of the Commission.

Relative to that part of your letter inquiring when the hearing of applications for identification as Mississippi Choctaws will be discontinued, your attention is invited to the following provision of the agreement recently entered into by the United States and the Choctaw and Chickasaw Nations, approved by an act of Congress of July 1, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

M.L.V. 2

This agreement is not effective at this time, being subject to ratification by the citizens of the Choctaw and Chickasaw Nations at a special election to be held September 25, 1902. In the event of the adoption of this agreement by the citizens of the Choctaw and Chickasaw Nations, the Commission will hear applicants for identification as Mississippi Choctaws until March 25, 1903.

Yours truly,

Acting Chairman.

COPY

M.C.R. 2913

Muskogee, Indian Territory, October 7, 1902.

Mary Luvenia Means,  
Mexico, Texas.

Dear Madam:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	M.C.R. 2903
Mary Luvenia Means,	M.C.R. 2913
Simon Spence, et al.,	M.C.R. 2914
Paul Prendergast, et al.,	M.C.R. 2906
Mary Sims, et al.,	M.C.R. 2907
Jeff Prendergast, et al.,	M.C.R. 2908
Isaiah Prendergast,	M.C.R. 2909

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

M. L. M. 2

evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Juvenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthema Sims, Helven Sims, Jeff Prendergast, Bula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

1301 PM

Acting Chairman.

Registered.

No.

2913

For Identification as a Mississippi Choctaw.

Date

JUL 11 1901

Name

Mary Lurenia Means

Age

45

Blood

1/4

Post Office,

Mexia, Texas

Father:

Scip Means

Mother:

Ann Means (dead)

Claims through

mother

~~Children:~~

Claims for self alone

Stenographer

Henry G. Hains

Mary Luvenia Means

VISION ORDERED. OCT 1902

1513

NOV 20 1902

Choctaw MCR 2914

Simon Spence

MCR 2914



Department of the Interior.  
Commission to the Five Civilized Tribes.

Atoka, I. T. July 10, 1901.

Testimony of Pinckney Smith.

In the matter of the application of Paul Prendergast et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901. M.C.R. 2906

In the matter of the application of Mary Sims et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 10, 1901, M.C.R. 2907

In the matter of the application of Jeff Prendergast et al. for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. M.C.R. 2908.

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. M.C.R. 2909

Pinckney Smith being called and sworn as a witness in these cases testified as follows in behalf of applicants:

Examination by the Commission:

- Q What is your name? A Pinckney Smith.  
Q What is your age? A I will be August next fifty nine.  
Q What is your post office address? A Mexia Texas.  
Q Are you acquainted with applicants, Paul Prendergast, Mary Sims, Jeff Prendergast and Isaiah Prendergast, who have just made application here? A Yes.  
Q Are they any relation to you? A No none at all whatever.  
Q How long have you known them? A Been knowing them about twenty five years.  
Q Did you know their father? A Yes.  
Q What was his name? A Mack Prendergast.  
Q What was their mother's name? A Vinoy Prendergast.  
Q I asked you how long you had known these children--? A Ever since they was born.  
Q How long did you know their father? A About twenty-five years--that's what I was talking about.  
Q How long has he been dead--he is dead? A Yes; I don't know.  
Q About how long? A I don't know; I never did give it any notice.  
Q Did you know their mother? A Yes.  
Q Did you know whether their father and mother were married or not? A Yes.  
Q Were you present at the wedding? A No, I wasn't present; not at the wedding but I was living there in the neighborhood.  
Q You know when they were married do you? A Yes.  
Q You know that they always lived together as man and wife up to the time Mack Prendergast died? A Yes.  
Q You know that they were always regarded as legally married by the neighbors around there? A Yes.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full  
the testimony in the above cases on July 10, 1901, and that the  
above and foregoing is a full, true and correct transcript of his sten-  
ographic notes in said testimony on said date.

Henry J. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Hinebaugh  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 10, 1901.

Testimony of Mary Jane McElroy.

In the matter of the application of Mary Sims, et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. W.C.R. 2907

In the matter of the application of Jeff Prendergast et al., for identification as Mississippi Choctaws heard at Atoka, I.T. July 10, 1901. W.C.R. 2908

In the matter of the application of Isaiah Prendergast for identification as a Mississippi Choctaw heard at Atoka, I.T. July 10, 1901. W.C.R. 2909.

Mary Jane McElroy being called and sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Mary Jane McElroy.  
Q What is your age? A Fifty five.  
Q What is your post office address? A Fairfield Texas.  
Q Are you acquainted with Mary Sims, Jeff Prendergast and Isaiah Prendergast who have just made application here? A Yes.  
Q How long have you known them? A All their life.  
Q What relation are you to them if any? A Their aunt.  
Q They are brothers and sisters are they? A Yes.  
Q They had the same parents, both the same father and mother? A Yes.  
Q What was their father's name? A Mack Prendergast.  
Q Is he living? A No.  
Q What is their mother's name? A Viney Prendergast.  
Q Is she living? A Yes.  
Q Which one of their parents claimed to be Choctaw? A Their father.  
Q And were you related to their father or their mother? A My and their father was twins.  
Q You and their father, then, had the same father and mother? A Yes.  
Q And what was that mother's name? A Mary Collins.  
Q And what was that father's name? A Bob Hunt.  
Q And was your father or mother Choctaw? A My father.  
Q And your father is what relation to these children? A He is their grandfather.  
Q And they got their Choctaw blood through their father and their father's father? A Yes.  
Q Did you ever know Bob Hunt? A No.  
Q You never saw him? A No.  
Q You don't know then of your own knowledge whether he lived in Mississippi in 1830? A I don't know; my mother said he come from Mississippi but I don't know what time.  
Q Do you know whether your father went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi and take land and become a citizen of the United States? A No.

To applicants: Q Is there anything else that you want to bring out

by this witness? A He not that I know of.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Linebaugh*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2914

In the matter of the application of Simon Spence for the identification of himself and his two minor children as Mississippi Choctaws.  
Simon Spence being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Simon Spence.  
Q Spell it? A S-i-m-o-n- S-p-e-n-c-e.  
Q What is your age? A Twenty three years old.  
Q What is your post -office address? A Wortham, Freestone Co., Texas.  
Q How long have you lived there? A All my life.  
Q Were you born in Texas? A I was.  
Q Never lived anywhere else? A I have not.  
Q What is your father's name? A Richard Spence.  
Q Is he living? A He is.  
Q What is your mother's name? A Margaret Spence.  
Q Is she living? A She is.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My father.  
Q how much Choctaw blood do you claim? A One fourth.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of their marriage? A Not here.  
Q Can you get such evidence? A I think so.  
Q What kind of evidence will that be? A I think the old people that knew them as children could and before they were married.  
Q Were they married by minister? A They was.  
Q Did they get a license? A Yes.  
Q Can't you send that license and certificate in? A I think so.  
Q If you cannot get that and send it in the Commission will accept the affidavits of two disinterested witnesses who were present at the wedding or who knew that they lived together as man and wife and were recognized as such by the community where they lived? A Yes.  
Q What was your father's other blood? A Negro.  
Q What was your mother? A Negro.  
Q Was your father a slave? A He was.  
Q Was your mother a slave? A She was.  
Q You, yourself, were too young to be a slave? A Yes.  
Q Are you married? A Yes.  
Q What is your wife's name? A Mary Spence.  
Q Is she living? A She is.  
Q Do you make application on behalf of your wife? A No.  
Q What is she? A Negro.  
Q Have you any children for whom you wish to make application at this time? A Yes two.  
Q Give the names and ages of these children. A One of them is three years old, Mary Spence-- the other one is one year old, Sampson Spence.  
Q These are both your children? A They is.  
Q What is the name of their mother? A Mary Spence.  
Q When and where were you married to her? A In freestone County, Texas, in 1898.  
Q Did you get a license to marry? A I did.  
Q Were you married by an ordained minister or by an official authorized

Simon Spence--2

to perform the marriage ceremony? A Ordained minister.

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I have.

Q Have you them with you? A Yes.

Certified copy of the marriage license and certificate between Simon Spence and Mary Vernon offered in evidence by applicant marked Exhibit "A", filed and made a part of the records in this case.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A It is not.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A I have not.

Q Did you or did anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A Never have.

Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities, the authorities of the United States to be admitted or enrolled as a citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any description? A Yes, it is the first.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim--? A Cause my father has always taught me I had Choctaw blood and I make it through him.

Q Do you make it under any of the treaties between the United States and the Choctaw Nation? A Well, the fourteenth of the Treaty of 1830.

Q Do you understand the provisions of that article of that treaty? A Not fairly.

In 1830 the United States wanted to make a treaty with the Choctaw Indians and exchange their land in the State of Mississippi for land West of the Mississippi River over in this present Indian Territory, and remove them to this country, but couldn't get any treaty till ~~with the Mississippi~~ provision was made for those Indians who wanted to stay in Mississippi; so article fourteen was made a part of the treaty for the benefit of those Choctaws who didn't want to come West; and after this article was put into the treaty the United States and the Indians signed it. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of Six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that if those Indians who didn't want to come West would get to the agent to the Choctaw Indians there in Mississippi and within six months after the treaty was ratified that they didn't want to



Simon Spence---3

come West that they wanted to stay there in Mississippi and become citizens of the United States they would be allowed to do so and in doing this they would not lose the privilege of Choctaw citizens but if they ever removed they were not to receive any portion of the Choctaw annuity, or yearly payments of money. Now is that what you are claiming under? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Do you know what is meant by the word ancestor? A Yes.

Q Do you know what is meant by the word benefits? A Yes.

Q Did any of your ancestors ever receive any benefits as Choctaw Indians? A Never did.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw nation in Mississippi and Alabama and were recognized members of the Choctaw tribe of Indians in 1830 when the treaty was made?

A I never knew any of them, not one.

Q Well, what have you always been taught was the name of your ancestor who lived in Mississippi in 1830 and was Choctaw Indian? A Well, I never have seen anybody who knew them.

Q You say you claim through your father? A Yes.

Q What was your father's name? A Richard Spence.

Q What was your mother's name? A Mary Collins.

Q What was your father's father's name? A Bob Hunt.

Q Through which one of your father's parents did he claim his Choctaw blood? A Well, he claimed through his father.

Q Bob Hunt? A Yes.

Q Bob Hunt was your grandfather? A Yes.

Q Do you know what Bob Hunt's father's name was? A No.

Q Do you know what his mother's name was? A No.

Q Do you know what Bob Hunt's Choctaw name was? A No.

Q You have always been taught that he was Choctaw? A Yes.

Q Do you know whether he lived in Mississippi in 1830? A No.

Q Do you know whether he came West with the other Indians from 1833 to 1838? A No.

Q Do you know of anybody who could testify on these points? Who knew your grandfather? A I don't know of anybody but I might find somebody I never has tried.

Q Do you know if Bob Hunt went to the Indian agent there in Mississippi within six months from the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No.

Q Do you know anybody who knew your grandfather and would be able to testify about that? A I don't.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A They never did.

Q Do you know if any of them, Bob Hunt, or any of them ever owned any land which they received from the Government under this treaty? A No.

Q Do you know if they ever got any scrip? A No they never got any.

Q There are no records in your family about that, no copies of deeds or patents? A No.

Q Is there anybody here who could testify about you that you are the person you claim to be? A Yes.

Q Who is that? A My aunt, Mary Jane McElroy.

Q Would you like to have her testimony? A Yes.

Mary Jane McElroy being called and sworn as a witness in this case testified as follows in behalf of applicant:

Q What is your name? A Mary Jane McElroy.

Q What is your age? A Fifty five.

Simon Spence-----4

Q What is your post-office address? A Fairfield, Texas, preestone County.

Q Are you an applicant here for identification as a Mississippi Choctaw? A Yes.

Q Are you acquainted with Simon Spence who has just made application here? A Yes.

Q Are you related to him in any way? A Yes.

Q What relation? A He is my nephew.

Q What is his father's name? A Richard Spence.

Q Is he living? A Yes.

Q What is his mother's name? A Mary Spence.

Q Is she living? A Yes.

Q Are you related to his mother or father? A Father.

Q What relation are you? A Simon Spence? He is my oldest brother.

Q Did you have the same father and mother? A Yes.

Q What was the name of your father and Richard Spence's father? A Bob Hunt.

Q And the mother? A Mary Collins.

Q Through which one of these parents did you and your brother get your Choctaw blood? A Father.

Q What relation is Bob Hunt to applicant, Simon Spence? A Grandfather.

Q Did you ever know your grandfather Bob Hunt? A No.

Q Did you ever know anybody who did know him? A No nobody but my mother.

Q Do you know of anybody who could testify about whether Bob Hunt lived in Mississippi in 1830 and if he went to the Indian agent there within six months after the treaty was ratified and told him he wanted to stay in Mississippi and become a citizen of the United States? A No.

To applicant: Q Is there anything more you would like to prove by your aunt? A No, I don't believe there is.

Witness excused.

Q Have you any documentary evidence you would like to file now, any papers or affidavits--? A I have one I believe.

Affidavit of Pinckney Smith offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits you will be permitted to do so and the same will be made a part of the records in your case.

The applicant in this case has the appearance of a full, blood negro. His nose is broad and flat, his head is shaped like a negro; his lips are thick and his hair black and kinky. He knows nothing of his ancestors except his father and mother and does not know of any compliance on their part with the provisions of the fourteenth article of the treaty of 1830.

Q Do you speak Choctaw? A No.

Q He does not speak the Choctaw language and knows little if anything of his ancestors from family history.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all



proceedings had in the above entitled case on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Henry G. Haine

Subscribed and sworn to before me this 17 day of August, 1901.

R. W. Linebaugh  
Notary Public.

Muskogee, Indian Territory, November 13, 1901.

Simon Spence,

Wortham, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 7th instant, in which you desire to be advised if certain affidavits have been filed with this Commission in support of your application for identification as a Mississippi Choctaw, and if it is necessary for you to take any further steps looking toward your rights as such Mississippi Choctaw.

Replying to your letter you are informed that it appears from our records that at Atoka, Indian Territory, on July 11, 1901, Simon Spence made personal application to this Commission for the identification of himself and his minor children as Mississippi Choctaws. There is filed with this case, the marriage licence between Simon Spence and Mary Vernon, and the affidavits of Pinckney Smith, Henry Williams and Nick Robinson.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of yourself and your children to identification as Mississippi Choctaws, and it is probable that no definite action will be taken for sometime to

S. S., #2.

come. We cannot inform you as to whether the evidence submitted by you at this time is sufficient for your identification as a Mississippi Choctaw, but when this case is reached the Commission will carefully consider such proof as has been submitted of the compliance of your ancestors with the fourteenth article of the treaty of 1830, and of their residence in Mississippi at the time of the conclusion of said treaty. Should you in the meantime desire to offer any further evidence in support of your application, the testimony of such witnesses as you may present in person will be heard by the Commission at its office at Muskogee, Indian Territory. The Commission is averse to the acceptance or consideration of affidavits, but if it is impossible for you to have your witnesses appear in person upon sufficient showing made of their inability to so appear it is probable that arrangements can be made for the taking of their depositions.

If you anticipate offering additional evidence in support of your claim it would be advisable for you to do so as early as practicable.

Yours truly,

M.C.2914.

Acting Chairman.

Muskogee, Indian Territory, December 3, 1901.

Simon Spence,  
Wortham, Texas,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Isaac Bowie, which is offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MC 2914

Miss. Choctaw 2914

Muskogee, Indian Territory, May 20, 1902.

Simon Spence,

Mexia, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 17, in which you ask what action has been taken in regard to your application for identification as a Mississippi Choctaw, and wish to know if the evidence offered by you is sufficient to establish your claim.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the commission. The Commission cannot take up the evidence offered in support of applications for identification as Mississippi Choctaws and pass upon the sufficiency of the same until the cases are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 2914

Muskogee, Indian Territory, September 17, 1902.

Simon Spence,

Mexia, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 14, in which you ask the status of your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are advised that no decision nor opinion has yet been rendered relative to the rights of yourself and your children as Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

COPY.

K.C.R. 2914

Muskogee, Indian Territory, October 7, 1902.

Simon Spence,  
Wortham, Texas.

Dear Sir:

You are hereby advised that on the 7th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Jane McElroy, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Jane McElroy, et al.,	K.C.R. 2905
Mary Juvenia Means,	K.C.R. 2913
Simon Spence, et al.,	K.C.R. 2914
Paul Prendergast, et al.,	K.C.R. 2906
Mary Sims, et al.,	K.C.R. 2907
Jeff Prendergast, et al.,	K.C.R. 2908
Isaiah Prendergast,	K.C.R. 2909.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

8. 8. 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Mary Jane McElroy, Edgar McElroy, Mary Lavenia Means, Simon Spence, Mary Spence, Sampson Spence, Paul Prendergast, Melford Prendergast, Mary Sims, Viola Sims, Arthens Sims, Nelson Sims, Jeff Prendergast, Mula Prendergast, Jeffie Prendergast and Isaiah Prendergast as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED).

*Tamie Dixby.*

Acting Chairman.

Registered.



M C R 2914

Muskogee, Indian Territory, December 5, 1902.

Simon Spence,

Wortham, Texas.

Dear Sir:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Jane McElroy, et al., of which decision you were advised by registered mail on the 7th day of October, 1902.

Respectfully,

Acting Chairman.

No. 2113

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Simon Spence

Age 23 Blood 1/4

Post Office, Northam, Texas

Father: Richard Spence

Mother: Margaret "

Claims through Father  
wife: Mary Spence  
(no claim for her)

Children:

Mary Spence 3

Lampson " 1

Claims for self and two children

Stenographer

Henry G. Hains

*Simon Spence et al*

REFUSED

DECISION RENDERED. OCT 7 1902

*R204*

1902

NOV 20 1902

*no. 2905*

*420/02 - P.O. Mexico*

Choctaw MCR 2915

Peter D. Daniel

See MCR 2917, 2918, 2919

MCR 2915

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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In the matter of the application of Peter D. Daniel,  
et al., for identification as Mississippi Choctaws, con-  
solidating the applications of:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	M.C.R. 2917
Laura Evans, et al.,	M.C.R. 2918
Arrie Riley,	M.C.R. 2919

-----

List of papers forwarded to the Secretary of the Interior in  
the above case, together with the page occupied by each in said  
record.

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	Page
Original application of Peter D. Daniel et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Ex parte affidavit of Alex Huckoby	6
Ex parte affidavit of H. S. Scott	7
Certificate of J. C. T. Hendrix	8
Ex parte affidavit of T. P. Peters	9
Ex parte affidavit of Jack Hatman	10
Copy of the marriage record between Peter Daniel and Mary Foreman.	11
Original application of Irvin Daniel, et al., to the Dawes Commission for identification as Mississippi Choctaws	12
Oral testimony of Peter D. Daniel	16
Ex parte affidavit of Bill Huckoby	18
Ex parte affidavit of Mariah Robinson	19
Original application of Laura Evans, et al., to the Dawes Commission for identification as Mississippi Choctaws	20

2.

Certified copy of the Marriage record between Laura Daniels and Bruce Evans.	24
Original application of Arrie Riley for identification as a Mississippi Choctaw.	25
Joint ex parte affidavit of Alex Huckleby and Ibbey Pereman.	30
Ex parte affidavit of Alex Huckleby.	31
Certified copy of the Marriage record between Irwin Daniel and Charlotte Tautman.	32
Final decision of the Commission in the con- solidated case of Peter D. Daniel, et al., ap- plicants for identification as Mississippi Choctaws, denying said application.	33

Department of the Interior.  
Commission to the Five Civilized Tribes.  
July 11, 1901. Atoka, I.T.

2915

In the matter of the application of Peter D. Daniel for the identification of himself and his two minor children, as Mississippi Choctaws.

Peter D. Daniel being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Peter D. Daniel.  
Q How do you spell it? A D-a-n-i-e-l.  
Q What is your age? A I will be sixty three my next birthday.  
Q What is your post office address? A Luna Texas.  
Q How long have you lived there? A I have been in that country fifty two years.  
Q Where did you live before you lived there? A Born in Alabama, not far from Mobile.  
Q Did you live in Alabama until you moved to Texas? A Yes.  
Q You were about eleven years old when you went to Texas? A Yes, I was eleven when I came to Texas.  
Q What is your father's name? A Josh Daniel.  
Q Is he living? A No.  
Q What is your mother's name? A Ann Daniel.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.  
Q How much Choctaw blood do you claim? A I claim a quarter.  
Q How much Choctaw blood do you claim? How much did your father claim? A He was a half Choctaw.  
Q What was the other half? A Negro, I suppose.  
Q What was your mother? A She was a negro, and part Indian too but I can't prove that up; I am a little connected over there with Indians but I can't prove that up.  
Q Your mother then, was mixed Indian and negro.  
A Yes, the reason I don't claim that, cause I can't prove that.  
Q Was your father a slave? A Yes.  
Q Was your mother? A Yes.  
Q Were you a slave? A Yes.  
Q Were your father and mother married? A Well, slavery married.  
Q Were they married by an ordained minister or an official authorized to perform the marriage ceremony? A No, they didn't marry that way.  
Q Have you any evidence that your father and mother were married? A Not with me, I can get it at home.  
Q What kind of evidence will you get? A I will have to have affidavits made; I live over 300 miles but I don't suppose I could get anyone to come here, but I would rather have that.  
Q The Commission will accept the affidavits of two disinterested parties who were at your father's wedding or that knew that they have lived together as man and wife and were recognized as such by the people among whom they lived. A Yes.  
Q Are you married? A Yes.  
Q What is your wife's name? A Ester Daniel.  
Q Is she living? A Yes.  
Q Do you make application for her? A No.  
Q What is she? A She is negro.  
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time? A Yes, I have two.

Peter D. Daniel---2

Q What are the names and ages of these children? A The girl is about 20- Mary L.

Q Next? A Dee, D-e-e, th at's a boy--we'll call him nineteen years.

Q These are your children? A Yes.

Q What is the name of their mother? A Mary Q Is she dead? A Yes.

Q Was she a negro? A Yes.

Q You have no children by Ester Daniel then? A No, none by her.

Q When and where were you married to Mary Daniel? A Both of them in Freestone County, Texas.

Q When were you married to Mary Daniel? A In 1830 I believe.

Q Did you obtain a license to marry her? A Yes.

Q Were you married by an ordained minister or by an official authorized to perform the marriage ceremony? A Ordained minister.

Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I haven't with me; I can send them in.

Q It will be necessary for the Commission to be supplied with evidence of your marriage to Mary Daniel in support of the application you make for the minor children. A I can send them in; I can get them without any trouble.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.

Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or your children to be enrolled as members of the Choctaw tribe? A No.

Q Did you or did any one for you in 1896 or any one for your children make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Do you now wish to be identified as a Mississippi Choctaw? A Yes.

Q How do you now claim the right to identification as a Mississippi Choctaw? A Through my father.

Q You are making your claim because you have always been taught that your father had Choctaw blood? A Yes.

Q Do you claim anything under any of the treaties between the Choctaw Nation and the United States? A Yes, through article fourteen and the treaty of 1830.

Q Do you understand the provisions of that article of that treaty? A Yes, I understand but can't repeat it by heart.

Q Well, tell what you understand? A Well, the Indians and white people got confused you know and they wanted them to- in other words, the whites wanted to settle in Mississippi; and they couldn't move them until some provision was made by that treaty; article fourteen of that treaty was made in behalf of the Indians that was to move off West of the Mississippi River; they had to make some sort of compromise with them, as we would say, without blood being shed.

Q And that is your understanding of the fourteenth article of the treaty of 1830? A Yes.

Q

Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six



Peter D. Daniel--3

hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaws who didn't want to come West could go to the Indian agent there in Mississippi within six months after this treaty was made and tell him that they didn't want to come West that they wanted to stay in Mississippi and become citizens of the United States and if they did this they could receive a reservation of land from the Government and they would not lose the privilege of Choctaw citizenship but if they ever removed the portion of the Choctaw annuity or yearly payment of money. That's the provision under which you claim? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Do you understand what is meant by the word benefits? A Yes.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were recognized members of the Choctaw tribe of Indians in 1830 when the treaty of was entered into between the United States and the Choctaw Nation? A I don't know any farther back than my father; I have heard them speak of a man named Jefferson, he must have been somebody.

Q Do you know what your father's father's name was? A No.

Q What was your father's mother's name? A Sylvia I think.

Q Sylvia Daniel? A I reckon it must have been.

Q Do you know whether your father got his Choctaw blood through his father or mother? A I think it was from his father.

Q Do you know whether your father lived in Mississippi in 1830?

A No, he lived Southwest in Alabama close to Mississippi in 1830, or 38. He must have lived there then, I recollect when he moved to Texas.

Q Your father didn't come West with the other Choctaw Indians from Mississippi to the Indian Territory from 1833 to 1838 when the other Indians came? A No.

Q You say that in 1838 your father was living in Southwest Alabama? A Yes that's when I was born.

Q Your father was living there then? A Yes.

Q Did your father ever live in Mississippi? A Not as I know of.

Q Do you know anybody living now who would know your father? A No I do not; you see if he had been living according to my recollection he would be 105 years old and I don't know of anybody living who knew him.

Q Do you know if your father went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and told him that he wanted to stay and become a citizen of the United States? A No, I know he didn't in reason.

Q Do you know of any one who would know about that? A No, I can't think of any one right now.

Q Did your father have a Choctaw name? A Yes, but I think he did, but I forget it, I was small.

Q You can't tell what it is? A No.

Q Did your father ever receive or claim any land in Mississippi as a beneficiary under the provision of the fourteenth article of the treaty of 1830? A No.

Peter D. Daniel---4

Q Did he ever own any land which he received from the Government under this treaty of 1830? A No.

Q Did you say your father removed to Texas? A Yes.

Q About what year? A I think it was '49.

Q He moved to Texas at the same time you did when you were about 11 years old? A Yes, I think that's about '49.

Q Did your father ever live in the Indian Territory? A No not as I know of.

Q You knew him about the time of his death? A Yes, I knew him, we all lived together.

Q When did he die? A Directly when he got here.

Q Did your father ever get any scrip from the Government under this treaty of 1830? A No.

Q Is there anybody living who would be able to testify about that? And whether he got any land from the Government? A I can't think of anyone old enough to know; I may think of somebody later afterwards.

Q Do you now recall the names of any persons who know your father? A Yes.

Q You said a little while ago that you didn't? A I thought you meant grandfather? I misunderstood you.

Q Did they know your father in Mississippi? A No, in Alabama.

Q How old are these people? A They are about my age, some of them older.

Q Well, would they know whether he lived in Mississippi in 1830 and whether he went to the Indian agent there in Mississippi and told him that he didn't want to come West but wanted to stay in Mississippi and become a citizen of the United States? A I don't think they would know any more than I would, they were about my age.

Q If they were not any older they couldn't know that personally. A No.

Q What I meant was--did anybody know him at the time of 1830 or did any one know of his own knowledge that your father was an Indian in Mississippi in 1830 or that he went to the Indian agent there in Mississippi and tell him that he wanted to stay in Mississippi and take land there and become a citizen of the United States? A I don't think they know.

Q Have you any documentary evidence that you would like to file at this time? A Yes.

Affidavit of Alex Huckaby offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; affidavit of H.S.Scott, filed marked Exhibit "B", and made a part of the records in this case; certificate of J.C.T.Hendrix offered in evidence by applicant, marked Exhibit "C", filed and made a part of the record in this case.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in your case.

Q Do you understand? A Yes.

The applicant in this case has black, rather long curly hair, and black eyes and black skin. His nose is long and straight and the shape of his head is more like an Indian or white man than that of a negro; he has a beard that is slightly curly, but it would seem that he might be possessed of the Choctaw blood that he claims.

Q Do you speak Choctaw? A No.

He does not speak the Choctaw language and does not know of any compliance on the part of his ancestors with any of the provisions

of the fourteenth article of the treaty of 1830. He does not know anything at all about his ancestors except his father and mother, not even their names; and it does not appear from his testimony that his father lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. W. Hinebaugh  
Notary Public.

C. W.  
JRB

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Peter D. Daniel, et al., for identification as Mississippi Choctaws, consolidating the applications of

Peter D. Daniel, et al.,	M C R 2915
Irvin Daniel, et al.,	M C R 2917
Laura Evans, et al.,	M C R 2918
Arrie Riley,	M C R 2919

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Peter D. Daniel for himself and his two minor children, Mary L. and Dee Daniel; by Irvin Daniel for himself and his nine minor children, Calvin, Arrie, Nancy M., Minnie, Frances F., Beatrice, Jessie, Laura and John Daniel; by Laura Evans for herself and her eight minor children, Sarah L., Cathleen, Peter, Samie, Zephier, Reginald, Joe and Mary Evans; and by Arrie Riley for herself under the following provision of the act of Congress approved June 23, 1898, (30 Stat., 495):

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Josh Daniel, who is alleged to have been an one half blood Choctaw, and of Annie (or Ann) Daniel, who is alleged to have been possessed of some Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Josh Daniel, or Annie (or Ann) Daniel, signified (in person or by proxy) to Colonel Wm.

3.

Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peter D. Daniel, Mary L. Daniel, Dee Daniel, Irvin Daniel, Calvin Daniel, Arrie Daniel, Nancy W. Daniel, Minnie Daniel, Frances W. Daniel, Beatrice Daniel, Jessie Daniel, Laura Daniel, John Daniel, Laura Evans, Sarah L. Evans, Cathellean Evans, Peter Evans, Susie Evans, Zopher Evans, Reginald Evans, Joe Evans, Mary Evans and Arrie Riley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman

Commissioner.

Commissioner.

Muskogee, Indian Territory,

AUG 8 1902

RECORD FORWARDED DEPARTMENT.

AUG 8 1902

DEPARTMENT OF THE INTERIOR;  
OCT 10 1902

66

NOTICE OF DECISION FORWARDED  
APPLICANT AUG 8 1902

Muskogee, Indian Territory, August, 6, 1901.

Peter D. Daniel,  
Tama, Texas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between Peter Daniel and Mary Foreman, and affidavit of T. P. Peters and Jack Matman as to the marriage of Josh and Ann Daniel, which you offer for filing in support of your application for identification of yourself and children as Mississippi Choctaws.

The same have been made a part of the record in this case.

Yours truly,

MC-2915



Muskegee, Indian Territory, August 24, 1901.

Mr. J. E. Ross,  
Mexico, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 12 in which you state that you are a friend of Peter D. Daniels, Irvin Daniels and Laura Evans, and ask to be informed as to whether or not the evidence offered by them is in the proper form.

In reply to your letter you are advised that on July 11, 1901 Peter D. Daniel appeared before the Commission at Ateka, Indian Territory and applied for identification for himself and his two minor children as Mississippi Choctaws. On the same date Irvin Daniel, his son, appeared before the Commission at Ateka, Indian Territory and applied for the identification of himself and nine minor children as Mississippi Choctaws. On the same date Laura Evans, daughter of Peter D. Daniel, appeared before the Commission at Ateka, Indian Territory and applied for the identification of herself and eight minor children as Mississippi Choctaws.

No action has yet been taken in any of these cases or any decision rendered. The affidavits offered for filing in these cases are in proper form and have been made a part of the original records in said cases.



At the time these applicants made personal appearance before the Commission at Atoka, Indian Territory they were fully advised as to what evidence they should procure in support of their applications. If they desire to offer any further proof in support of their claims, either oral testimony of witnesses, their depositions or affidavits, or any documentary evidence they will be permitted to do so and the same will be made a part of the record in their cases.

Yours truly,

M.C.R.2915  
" " " 2917  
" " " 2918

Muskegee, Indian Territory, September 10, 1901.

Mr. Irvin Daniel,  
Maxia,  
Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 19th, in which you state that you have been before the Commission at Atoka, Indian Territory, and were examined and made proof to the satisfaction of said Court enough to be identified as a Mississippi Choctaw. Also your father, D. Daniels and your sister, Laura Evans, and Arrie Riley. You ask to be advised if you will be allowed to come and look out a location in the Choctaw Reservation.

In reply to your letter you are advised that it appears from our records that on July 11th, Peter D. Daniel, Irvin Daniel, Laura Evans and Arrie Riley appeared before the Commission and applied for identification as Mississippi Choctaws. No action has yet been taken in these cases, or an opinion rendered.

When these cases are finally determined a copy of the decision, stating fully therein the reason for any action taken by the Commission, will be mailed to each of the applicants.

You are advised that when the lands of the Choctaw- Chickasaw country are allotted such allotments will be made to those per-

I. D., #2.

agms whose names appear upon the Rolls of the Choctaw and Chickasaw Nations, as approved by the Secretary of the Interior. Your status is merely that of an applicant for identification as a Mississippi Choctaw, and no decision has been reached in your case.

Yours truly,

M.C. 2915  
M.C. 2917  
M.C. 2918  
M.C. 2919

Muskogee, Indian Territory, November 13, 1901.

J. E. Ross,

Mexia, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant in which you desire to be informed if any decision has been rendered in the matter of the applications of Peter D. Daniels, Irwin Daniels, Laura Evans and Arrie Riley for identification as Mississippi Choctaws.

Replying to your inquiry you are informed that it appears from our records that at Atoka, Indian Territory, on July 11, 1901, Peter D. Daniels made personal application to this Commission for the identification of himself and his minor children, Mary L. and Dee Daniels, as Mississippi Choctaws.

On the same date Irwin Daniels made personal application at Atoka, Indian Territory, for the identification of himself and his minor children, Galvin, Arrie, Nancy M., Winnie, Frances F., Beatrice, Jessie, Laura and John Daniels, as Mississippi Choctaws.

Also that Laura Evans made personal application for the identification of herself and her minor children, Sarah I., Catharine, Peter, Samie, Ephor, Reginald, Joe and Mary Evans, as

J. B. R., #2.

Mississippi Choctaws, and on the same date Arris Riley made personal application for the identification of herself as a Mississippi Choctaw.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of these persons to identification as Mississippi Choctaws, and it is probable that no definite action will be taken for sometime to come. When a decision is reached the applicants will be duly notified of any action taken by the Commission.

The status of these persons at this time is merely that of applicants for identification as Mississippi Choctaws, and the Commission cannot consider them as in any manner listed for enrollment as citizens of the Choctaw and Chickasaw Nations, or entitled to participate in the distribution of the lands of these two nations.

Yours truly,

Acting Chairman.

M.C.2916  
M.C.2917  
M.C.2918  
M.C.2919.

COPY.

M.C.R. 2915

Muskogee, Indian Territory, August 8, 1902.

Peter D. Daniel,  
Luna, Texas.

Dear Sir:

You are heroby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Peter D. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	" 2917
Laura Evans, et al.,	" 2918
Arrie Riley,	" 2919

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peter D. Daniel, Mary L. Daniel, Deo Daniel, Irvin Daniel, Calvin Daniel, Arrie Daniel, Nancy L. Daniel, Minnie Daniel, Frances L. Daniel, Beatrice Daniel, Jessie Daniel, Laura Daniel, John Daniel, Laura Evans, Sarah L. Evans, Cathellean Evans, Peter Evans, Gusie Evans, Ephor Evans, Reginald Evans, Joe Evans, Mary Evans and Arrie Riley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED:

James D. Dancy.

Acting Chairman.

Registered.

M.C.R. 2915

Muskogee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in consolidated case of Peter D. Daniel, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	" 2917
Laura Evans, et al.,	" 2918
Arrie Riley,	" 2919

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*James D. Dancy,*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
1 enclosure.



M.C.R. 2915

Muskogee, Indian Territory, August 8, 1902.

Kansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Peter D. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	" 2917
Laura Evans, et al.,	" 2918
Arrie Riley,	" 2919

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M M & C \_\_\_\_\_ 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peter D. Daniel, Mary L. Daniel, Dee Daniel, Irvin Daniel, Calvin Daniel, Arrie Daniel, Nancy M. Daniel, Minnie Daniel, Frances F. Daniel, Beatrice Daniel, Jessie Daniel, Laura Daniel, John Daniel, Laura Evans, Sarah L. Evans, Cathellean Evans, Peter Evans, Susie Evans, Zepher Evans, Reginald Evans, Joe Evans, Mary Evans and Arrie Riley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*Tamie Dixey.*

Acting Chairman.

C O P Y

Land  
47878-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, Oct. 1, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 8, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated Mississippi Choctaw case of Peter D. Daniel, et al.,

The following applications are included in this case: Peter D. Daniel applies for the identification of himself and his two minor children, Mary L. and Dee; Irvin Daniel for himself and his nine minor children, Calvin, Arrie, Nancy M., Minie, Frances F., Beatrice, Jessie, Laura and John; Laura Evans for herself and her eight minor children, Sarah L., Cathalean, Peter, Susie, Zepher, Reginald, Joe, and Mary; and Arrie Riley for herself.

Descent is claimed from Josh Daniel and Ann or Sylvia Daniel, his wife.

The applicants are not full-blood Choctaw Indians;

-2-

The records of this office do not show that any one by the name of Daniel received a patent for land under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or that any of the alleged ancestors received or in any manner attempted to secure the benefits of said article.

It is therefore respectfully recommended that the decision of the Commission rejecting the application, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,  
Acting Commissioner.

WCV  
D

3 inclosures.

D C 18580-1902.

C O P Y

DEPARTMENT OF THE INTERIOR.

RAP.

Washington.

I.T.D. 6019-1902.

October 10, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

With your letter of August 8, 1902, was transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to-wit: Peter D., Mary L., Dee, Irvin, Calvin, Arrie, Nancy M., Minie, Frances F., Beatrice, Jessie, Laura and John Daniel; Laura, Sarah L., Catholean, Peter, Susie, Zepher, Reginald, Joe and Mary Evans; Arrie Riley.

The applicants endeavor to trace their descent from Josh Daniel, alleged to have been a half blood Choctaw Indian, and Annie (or Ann) Daniel, alleged to have been a Choctaw.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that either of said alleged ancestors complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications

-2-

August 8, 1902.

Forwarding the papers October 1, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

After a careful review of the entire record, the Department affirms your decision.

Respectfully,

(Signed) Thos Ryan,  
Acting Secretary  
ED

1 inclosure.

COPY.

M.C.R. 2915

Waskoge, Indian Territory, October 21, 1902.

Peter D. Daniel,  
Luna, Texas.

Dear Sir:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Peter D. Daniel, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

(SIGNED)

*W. H. Dineen*  
Acting Chairman.

M C R 2915

Muskogee, Indian Territory, February 2, 1904.

Peter D. Daniel,  
Luna, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 23, 1904, in which you state that you appeared before the Commission at Atoka, Indian Territory, in the summer of 1901, and made application for identification as a Mississippi Choctaw, and ask if there is any need of your coming and putting in your claim again.

In reply you are advised that on October 10, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and two minor children as Mississippi Choctaws, of which departmental action you were notified on October 21, 1902, at your present post office address.

The Commission now considers your case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.



CHEROKEE NATION.

**.CH**  
(NOT INCL

BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS			
	YEAR	DISTRICT	No.	NAME OF FATHER	YEAR	DISTRICT	NAME OF MOTHER
REFER TO M. O. R.							
Order of Daniel							
1826							
Consolidated							
Case							

Jefferson  
 Negro of Charlotte  
 blood not shown  
 Relationship to applicant  
 not shown

Lynia or Charlotte  
 Negro of Charlotte  
 blood not shown  
 Mother of Josh Daniel  
 Josh Daniel 1/2  
 wife slave  
 Ann or  
 Annie Daniel  
 Negro & Indian  
 slave

July 29/15  
 Peter N. Daniel 63 1/2  
 wife  
 1st Catharine Daniel  
 Negro Dead  
 2nd Mary Daniel  
 Negro  
 3rd Eder Daniel  
 Negro

Alie Daniel 1/2 Dead  
 Negro, slave  
 married  
 Andrew Carter  
 Negro & Indian

July 29/17  
 Edwin Daniel 41 1/8  
 wife  
 Charlotte Daniel  
 Negro

July 29/18  
 Laura Daniel 39 1/8  
 married  
 Prince Evans  
 Claims Indian descent thro  
 her grandmother = Lie  
 Evidence of Peter N. Daniel  
 in this case in connection  
 Mary L. Daniel 20  
 " Alice Daniel 17

July 29/19  
 Alice Carter 55 1/8  
 married  
 Henry Riley Dead  
 1/2 Indian  
 1/2 Negro

July 29/17  
 Calvin Daniel 19  
 " Alice Daniel 17  
 " Nancy M. Daniel 16  
 " Willie Daniel 15  
 " Frances J. Daniel 11  
 " Beatrice Daniel 9  
 " Jessie Daniel 7  
 " Laura Daniel 5  
 " John Daniel 1

July 29/18  
 Sarah L. Evans 19  
 " Catharine Evans 17  
 " Peter Evans 16  
 " Oliver Evans 14  
 " Zephier Evans 12  
 " Reginald Evans 10  
 " Joe Evans 6  
 " Mary Evans 2

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Peter D. Daniel

Age 63 Blood 1/4

Post Office, Luna, Texas

Father: Josh Daniel (dead)

Mother: Ann " "

Claims through father  
wife: Ester Daniel  
(no claim for her)

Children:

Mary L. Daniel 20  
Dec " M. 19'

Claims for self and two  
children

Stenographer

Henry G. Hains.

Choctaw MCR 2916

Charlotte Scott

MCR 2916

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application of Charlotte Scott, et  
al., for identification as Mississippi Choctaws, M C R 2916.

List of papers forwarded to the Secretary of the Interior  
with the record in the above case, together  
with the page occupied by each  
in said record.

Original application of Charlotte Scott, et al., for identification as Mississippi Choctaws.	Page.
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Ex parte affidavit of T. R. Daniel.	7
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Final decision of the Commission in the case of Charlotte Scott, et al., applicants for identi- fication as Mississippi Choctaws, denying said application.	8
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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2916

In the matter of the application of Charlotte Scott for the identification of herself and her three minor children as Mississippi Choctaws.

Charlotte Scott being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charlotte Scott  
Q Can you spell it? A No.  
Q What is your age? A Fifty two years old.  
Q What is your post office address? A Dew, Freestone Texas.  
Q How long have you lived there? A Ever since I was a small child.  
Q Where were you born? A In Alabama.  
Q How old were you when you left Alabama? A I can't remember when more than three or four months it wasn't.  
Q Where did you go from Alabama? A To Texas.  
Q And have you lived in Texas ever since? A Yes.  
Q What is your father's name? A Riley Hatcher.  
Q Is he living? A No.  
Q What is your mother's name? A Ann Hatcher.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One fourth.  
Q What was your mother's other blood? A Negro.  
Q Was she ever a slave? A Yes.  
Q Was your father--what was he? A Well, he was light complected, brown skin.  
Q Negro? A Yes.  
Q Was he a slave? A Yes.  
Q Were you a slave? A Yes, I was born a slave.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Albert Scott.  
Q Is he living? Yes.  
Q Do you make application for him? A No.  
Q What is he? A Mulatto.  
Q Mixed negro and white? A Yes.  
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time? A Yes, I have a child that old.  
Q Are your children over twenty one? A No, my younger children's on this paper. (Hands in a paper.)  
Q How many children have you under twenty one and unmarried? A Three.  
Q Which one of these is the oldest? A John Scott.  
Q How old is John? A I don't know.  
Q You think John Scott is about nineteen? A Yes.  
Q What is the name of your next child, younger than John? A He John ain't the oldest--  
Q What is the name of the oldest of your children? A Alice.  
Q How old is Alice; about how old? A She is about eighteen.  
Q What is the name of the next one? A John.  
Q How old is John? A I declare I can't remember now.

Q How much younger is he than Alice? A He is two years and six months older than Alice--no, I mean younger.

Q He is two years younger than Alice? A Yes.

Q Then he is about sixteen? A Yes.

Q What is the name of the next one? A Joseph.

Q How old is Joseph? A He is fourteen.

Q These are all your children? A Yes.

Q What is the name of their father? A Albert Scott.

Q When and where were you married to him? A In Louisiana--no we married in Texas.

Q Did you ever live in Louisiana? A We went there one year but we didn't stay.

Q Well, you told me you lived in Texas all your life after you went there? A Yes.

Q Well, what year did you live in Louisiana? (No answer).

Q How many years had you lived in Texas when you went to Louisiana?

A We had been living there a long time ever since we had come from Alabama.

Q Well, how many years? A I was fifty two-years old, didn't I say?

Q Yes. A (No answer).

Q How many years is it since you lived in Louisiana? A I don't know just can't tell.

Q How many years ago did you go to Louisiana? A We went there with white people but we drifted around and came back.

Q How long did you stay there? A We just turned around and came back to Texas.

Q Was that before you were married? A Yes.

Q How long was that before you were married? A About a year.

Q How long ago were you married? A Well, we went there with white people and came right back.

Q That don't make any difference now, I am asking you how long ago that was? A It was the last year of the war.

Q That is about a year before you were married? A Yes.

Q And you stayed there just long enough to--A Make a crop-- to make your crop did you say? A Yes.

Q And you came back to Texas? A Yes.

Q And you never have been outside of the State of Texas since then?

A No.

Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.

Q Did you ever make application for yourself or your children to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No.

Q Did you or anybody for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application prior to this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.

Q Is this the first application you have ever made of any kind? A Yes.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim the right now to be identified as a Mississippi Choctaw? A Through my mother.

Q What do you claim through your mother? A One fourth.

Q Choctaw blood? A Yes.

Q You are claiming your right now to be identified as Mississippi

3----

Choctaws because you have always been taught that your mother had Choctaw blood? A Yes.

Q Do you make any claim because of any of the treaties between the United States and the Choctaw Indians? A No.

Q You say you don't? I don't understand what answer you made. A Say that over again.

Q I said do you make any claim now under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What treaty do you claim under? A I can't say.

Q Don't you know what treaty you claim under? (No answer).

Q Just answer the question, will you? A I can't answer.

The law which gives the Commission the right to hear applications for identification as Mississippi Choctaws gives it the power to identify those Choctaws who claim under the fourteenth article of the treaty of 1830. In 1830 the State of Mississippi was filling up with white people and the United States wanted to remove the Choctaw Indians to land West of the Mississippi River and give them lands here in exchange for their lands in Mississippi; but they couldn't get any treaty with the Indians until some provision was made for the Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who didn't want to come West; and after that article was put into the treaty it was signed by both the United States and the Choctaw Indians. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child which may under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians there in the State of Mississippi who didn't want to come West to the new country could stay in Mississippi and if they went to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and told him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States they would receive land there from the Government for themselves and their children and in so doing they would not lose the right of Choctaw citizenship but if they ever removed they were not to receive any portion of the Choctaw yearly payments of money.

Q Do you make any claim under this article of this treaty? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Do you know what the word benefit means? A Yes, anything from them.

Q It means really anything that would do you good- in this sense it means land or scrip or money. A Yes.

Q Did any of your ancestors receive any benefits as Choctaw Indians?

A No.

Q Do you know what is meant by the word ancestor? A Yes, grandparents.

Q Yes, or your great grandparents or your father or mother--? A Yes.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw nation in Mississippi and Alabama and were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made?



A My mother's mother was named Charlotte.

Q Charlotte What? A Daniels I think.

Q Did your mother get her Choctaw blood from her mother? A Yes.

Q What was your mother's father's name? A I don't know about my mother's father.

Q Your mother's mother's name was Charlotte Daniels but you don't know what your mother's father's name was? A No.

Q Did your mother get her Indian blood from Charlotte Daniels? A Yes.

Q Well, do you know what Charlotte Daniels's ~~sama~~ father's name was? A No.

Q Do you know what Charlotte Daniels's mother's name was? A My grandmother's name- Charlotte Daniel's mother's name? No, I can't remember that far back.

Q Do you know which one of Charlotte Daniels's parents she got her Choctaw blood through? A From her father I have always been told.

Q But you don't know what her father's name was? A No.

Q Did Charlotte Daniels live in Mississippi in 1850? A Yes.

Q How do you know that? A She has been there all the time; when we came from there she die there before I was born but I have heard my father talk about it.

Q You heard your father say she lived in Mississippi in 1850? A She lived there I don't know when it was.

Q Are you any relation to Peter D. Daniel? The man who just applied here before the Commission? A Yes.

Q What relation is he to you? A He is a brother to my mother; he is my half brother.

Q You say that Charlotte Daniel died before you were born? A Yes.

Q You don't know then whether she was a Choctaw Indian and lived in Mississippi in 1830 or not? A My father always said that.

Q Well, how did he know? A I don't know.

Q Your father never knew it? A No.

Q And your father never did make any claim to be Choctaw? A Yes, he said his mother was half Choctaw.

Q Your father? A Yes.

Q Do you claim anything from him? A Yes; it comes from both sides.

Q Well, when I asked you a while ago you said it came from your mother.

A Well, I was just telling you what she was.

Q Well, from which one of your ancestors do you claim your Choctaw blood? A From my mother.

Q You said your father was part Choctaw too. Do you know that you are under oath to tell the truth? A I am telling the truth.

Q But you are contradicting yourself about every two minutes; I asked you which one of your parents you claimed through and then you said you claim through your father too; then I asked you again and you say that you claim through your mother; now, which one is it? A My mother I told you that first. Well, I claim through my mother.

Q Well, did your father know your grandmother Charlotte Daniel at all? A I don't know.

Q Is there anybody living who knew her and could tell the Commission anything about it? A I don't know.

Q Did you say whether she lived in Mississippi or not? A I don't know.

Q Do you know whether she went to the agent there in Mississippi and told him, within six months after the ratification of the treaty of 1830, that she wanted to stay in Mississippi and become a citizen of the United States? A No.

Q Is there anybody living who would know about these things? A I don't know whether there is or not, I can't tell.

Q Do you realize that it is very material to your case that you have some such evidence? A I don't understand that.

Q Do you realize that it makes a good deal of difference to your claim

5---

whether you have somebody to testify to those matters? A I don't know.

Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Did any of them ever own any land which they received from the Government under this treaty of 1830? A Not that I know of.

Q Did any of them ever get any scrip from the Government under this treaty? A I don't know.

Q Is there anybody living who would be able to tell about these things?

A I don't know that there is.

Q Did you ever see your mother? A Yes, I can remember

Q Did you ever see your grandmother Charlotte Daniel and grandfather?

A My grandmother I did, yes.

Q Where did you know her? A In what State? A In Alabama when I was a small child.

Q Did you know her when she died? A Yes; I just can remember her.

Q Where did she die? A She died there in Alabama.

Q How long ago? A I don't know I can't remember that.

Q About how old were you when she died? A I can't remember that, I was mighty small.

Q About how old was she when she died? A Don't know, she was a old lady, old and gray.

Q Have you any documentary evidence that you want to file now, affidavit or papers of any kind? A Yes.

Affidavit of F.R. Daniel offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case.

Q Who is this F.R. Daniel? A He is a man down there.

Q Do you know him? A I don't know the initials in writing.

Q Could you get this F.R. Daniel to come before the Commission to testify in person; would he come here? A I don't know.

Q Where does he live? A In Freestone County.

Q Is he a white man? A Yes.

Q About how old is he? A Don't know.

Q Could you get his deposition? A I don't understand that-

Q Could you get a Notary Public to go and take his statement in the form of question and answer as to what he knew about your grandmother?

A I don't know, I reckon so.

Q Did he know your grandmother, Charlotte Daniel in Mississippi?

A I don't know whether he did or not.

Should you desire to offer any further evidence in support of this application either the oral testimony of witnesses or their depositions or affidavits the Commission will accept the same and make them a part of the record in your case.

The applicant in this case has kinky black hair, black eyes and brown ~~complexion~~ complexion; her cheek bones are a trifle high and her nose though broad is moderately straight. Her lips are not very thick and she may possibly have a quarter or an eighth Indian blood though she resembles a negro.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830; it does not appear from her testimony that the only ancestor through whom she claims lived in Mississippi but that she lived and died in Alabama.

Henry G. Wains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all

proceedings had in the above entitled cause on July 11, 1901, and that  
the above and foregoing is a full, true and correct transcript of his  
stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of Aug 1901.

R. H. Hinchbaugh

Notary Public.

WALTER W. HARTER & CO. PHOTOGRAPHERS

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

C.W.  
In the matter of the application of Charlotte Scott,  
et al., for identification as Mississippi Choctaws H.C.R. 2916

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Charlotte Scott for herself and her three minor children, Alice, John and Joseph Scott, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Charlotte Daniels (or Daniel) who is alleged to have been possessed of some Choctaw blood (degree thereof not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charlotte Daniels (or Daniel) or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Scott, Alice Scott, John Scott and Joseph Scott as

Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

DEC 4 1902



M.C.R. 2916

COPY

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Scott, Alice Scott, John Scott and Joseph Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. B. B. B.

Tams Bixby

Acting Chief

M.C.R. 2916

COPY

Muskogee, Indian Territory, December 4, 1902.

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Attorneys for the Choctaw and Chickasaw Nations,  
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Respectfully,

RESIGNED

*Tams Bixby*

Acting Chairman



COPY

Muskogee, Indian Territory, December 4, 1902.

Charlotte Scott,  
Dew, Texas.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Scott, Alice Scott, John Scott and Joseph Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*James P. [illegible]*

Acting Chairman.

Registered.

CO  
Muskogee, Indian Territory, December 20, 1902.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Charlotte Scott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. L. R. H. H. H.  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 2916

(COPY)

D.C.15253

ITD.4430-1903.

L.R.S.

W.C.P.

RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 20, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

With your communication of December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Charlotte Scott and her minor children, Alice, John and Joseph Scott, your decision of December 4, 1902, being adverse to the applicants.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Charlotte Daniels, the maternal grandmother of the principal applicant, it being alleged that she was a Choctaw Indian and a resident of Mississippi in 1830. The evidence fails to show that Charlotte Daniels ever complied or attempted to comply with the provisions of article 14 of said treaty. The records of the Indian Office fail to show that any one by the name of Charlotte Daniels attempted to comply with the provisions of said article or the subsequent acts of Congress relating thereto.

There was a Jacob Daniels who was granted a reservation under said article, who had four children under ten years of age.

The evidence shows that Charlotte Daniels must have been more than ten years of age at the time of making said treaty; therefore she would not have been one of said children.

Forwarding the papers May 14, 1903, the Acting Commissioner of Indian Affairs, recommends that your decision be approved.

A Copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

(COPY)

Land.

76164-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration record of the Commission to the Five Civilized Tribes in the matter of the application of Charlotte Scott and her three (3) minor children, Alice, John and Joseph Scott, for identification as Mississippi Choctaws wherein a decision of rejection was entered by the Commission on December 4, 1902.

The record in this case shows that the parties base their claims to a right to identification as Mississippi Choctaws on their descent from Charlotte Daniels, who it is claimed was a member of the Choctaw Tribe of Indians east of the Mississippi in 1830, and as such complied or attempted to comply, so far as applicants are able to state, with the provisions of the 14th article of the Choctaw treaty.

The Commission rejects the applicants for the reason that the name of Charlotte Daniels or Daniel, the ancestor under whom they claim does not appear among the names of those persons who received benefits under the 14th article of the Choctaw treaty of 1830.

An investigation of the records of this office has been made with reference to Charlotte Daniels and it is ascertained that her name does not appear among the names of those persons who applied for or received benefits under the Choctaw treaty of 1830. There was a Jacob Daniels who was granted a reservation under the 14th article of the Choctaw treaty of 1830, who had four children under 10 years of age, but this office has not the names of his wife or their children. The land reserved for Jacob Daniels was located in what is now Le Flore County, Mississippi. From the testimony given by the applicants in chief in this case, I am convinced that Charlotte Daniels, the ancestor through whom these parties claim could not have been one of the children of Jacob Daniels because of the age she must have attained in 1830 which would have made her more than 10 years of age. The applicants are unable to give the name of the husband of Charlotte Daniels, who was, apparently, a negro.

And there is no evidence before this office that a person of purely negro blood was recognized as being entitled to membership in the Choctaw Tribe at that time by marriage or otherwise? I am of the opinion, therefore, that the ancestor through whom these parties claim was not an applicant or beneficiary through the provisions of the 14th article of the Choctaw treaty, and, therefore, recommend that the decision of the Commission be approved.

Very respectfully,

BBH-R.

Acting Commissioner.

M.C.R. 2916

COPY.

Waskagee, Indian Territory, July 10, 1903.

Charlotte Scott,

Daw, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Scott, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.



COPY.

M.C.R. 2916

Muskogee, Indian Territory, July 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Scott, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needlee.*

Commissioner in Charge.

Henry. Walter.

Charlotte	Watches	10
Albert	Watches	10
Joseph	Watches	10

No. 2016

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Charlotte Scott

Age 52 Blood 1/4

Post Office, Dew, Texas

Father: Riley Hatcher (dead)

Mother: Ann " "

Claims through mother

Husband: Halbert Scott -  
(no claim for him)

Children:	Alice Scott	18
	John Scott	<del>17</del> 16
	Joseph "	14

Claims for herself and  
three minor children.

Stenographer

Henry G. Hains.

Charlotte Scott et al.  
247E

DEC

WED.

DEC

" 12

Choctaw MCR 2917

Irvin Daniel

See MCR 2915

MCR 2917

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2917

In the matter of the application of Irvin Daniel for the identification of himself and his nine minor children as Mississippi Choctaws Irvin Daniel being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Irvin Daniel.  
Q Spell it. A I-r-v-i-n- D-a-n-i-e-l  
Q What is your age? A Forty one.  
Q What is your post office address? A Mexia, Limestone County, Texas.  
Q How long have you lived there? A Off ten years in the County.  
Q How long did you live in Texas? A All my life.  
Q Were you born there? A Yes.  
Q Never have lived anywhere else? A No.  
Q What is your father's name? A Peter D. Daniel.  
Q Is he living? A Yes.  
Q What is your mother's name? A Cathelene Daniel.  
Q Spell it. A C-a-t-h-e-l-e-n-e  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A I claim an eighth.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of that marriage? A No.  
Q Could you get any evidence? A They was married before the emancipation they was married by slavery and not ny license that's what I have always been told.  
Q Were they married by a minister? A No, by a man on the place, the owners of them so gave orders to do that.  
Q Could you get any evidence of their marriage? A I can't produce any now.  
Q Could you get any? A Yes.

It will be necessary for the Commission to be supplied with evidence of your father's marriage to your mother in support of your application; if you cannot get the records, the affidavits of two disinterested witnesses who know that your father and mother were living together as man and wife and so recognized by the people among whom they lived.

- Q What is your father's other blood beside Choctaw? A Negro descent, I reckon.  
Q What was your mother? A Colored woman.  
Q Was your father a slave? A Yes.  
Q Was your mother a slave? A Yes.  
Q Were you a slave? A Yes.  
Q Are you married? A Yes.  
Q What is your wife's name? A Charlotte.  
Q What is she? Colored woman.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q Have you any children in your family under twenty one years of age an unmarried for whom you wish to make application at this time? A Yes, nine.

Q All under twenty one and unmarried? A Yes.  
 Q Give the names and ages of these children? A Calvin Daniel, 19;  
 Arrie Daniel, (Girl), 17;  
 Q A-r-r-i-e? A Yes.  
 Nancy M. Daniel, 16; Minnie Daniel  
 Q Spell that? A M-i-n-n-i-e; she is fifteen.  
 Q Frances F. Daniel (Girl), eleven. Beatrice.  
 Q Spell it. A B-e-a-t-r-i-c-e.  
 Q Next? A Jessie (Girl), seven. Laura Daniel, five; John Daniel, one.  
 Q Is that all? A Yes.  
 Q You are the father of these children? A Yes.  
 Q What is the mother's name? A Charlotte Daniel  
 Q When and where were you married to Charlotte Daniel? A Freestone  
 County, 1881.  
 Q Texas? A Yes.  
 Q Did you obtain a license to marry? A Yes.  
 Q Were you married by an ordained minister or by an official authorized  
 to perform the marriage ceremony? A Ordained minister.  
 Q Have you your marriage license and certificate and do you wish to  
 offer same in evidence? A No, I haven't it with me.  
 Q It will be necessary to supply the Commission with evidence of your  
 marriage in support of the application for your minor children.  
 A I sent over to Fairfield for it and I found there was a mistake made.  
 Q Can you get your marriage license and certificate? A Yes easily.  
 Q Is your name or the name of your children on any of the tribal  
 rolls of the Choctaw Nation in the Indian Territory? A No.  
 Q Have you ever made application for yourself or children to the Choctaw  
 tribal authorities in the Indian Territory to be enrolled as mem-  
 bers of that tribe? A No.  
 Q Did you or did any one for you or for your children in 1896 make  
 application to the Commission to the Five Civilized Tribes for citi-  
 zenship in the Choctaw Nation under the Act of Congress of June 10,  
 1896? A No.  
 Q Have you or your children ever been admitted to citizenship in the  
 Choctaw Nation by the Choctaw tribal authorities the Commission to the  
 Five Civilized Tribes or by judgment of the United States Court in the  
 Indian Territory? A No.  
 Q Have you ever made application before this time for yourself or your  
 children to either the Choctaw tribal authorities or the authorities  
 of the United States to be admitted or enrolled as citizens of the  
 Choctaw Nation? A No.  
 Q Is this the first application you have ever made of any kind? A Yes.  
 Q Do you now wish to make application for identification as a Miss-  
 issippi Choctaw? A Yes.  
 Q How do you claim now the right? A Well, I have been hearing all  
 the time that my father was Choctaw.  
 Q You claim now the right to identification because your father, I  
 you have always been taught, had Choctaw blood, and through him you have  
 Choctaw blood? A Yes.  
 Q Do you claim under any of the treaties between the United States and  
 the Choctaw Indians? A Article fourteen and treaty 1830.  
 Q Do you understand that article? A Yes, I remember.  
 Q Well, state it. A That Mississippi was being settled up by white  
 people and they had made a law to remove the Indians some where West of  
 the Mississippi River, but some of them wanted to remain in Mississippi  
 and they couldn't make any treaty with those who wanted to remain and a  
 provision was made with those who wanted to stay in Mississippi that if  
 they wanted to stay in Mississippi and wanted to become citizens of  
 the States, and six months prior to that article they could go to the  
 Indian agent and register so that they could be citizens of that country  
 and receive property or land in that article.

Article fourteen of the treaty of 1830 provides that "Each Choctaw

head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay in Mississippi and go to the Indian agent there in Mississippi within six months after the treaty was made and tell him that they didn't want to come West but wanted to stay in Mississippi and take land there and become citizens of the United States; and by doing that they were not to lose the privilege of Choctaw citizens, but, if they ever removed they were not to receive any part of the Choctaw yearly payments of money; so article fourteen made substantial provision for those Indians who wanted to stay in Mississippi and become citizens of the United States.

Q Is that the provision under which you are claiming at this time? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q You understand what "benefits" means? A Yes.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who lived in Mississippi in 1830 and were acknowledged members of the Choctaw tribe when this treaty was made? A Not any that was acknowledged members.

Q What was the name of the ancestor through whom you are claiming at this time? A My father and Josh Daniel.

Q Who is he? A My father's father; and my grandmother, Annie Daniel.

Q Was she your father's or mother's mother? A My father's mother.

Q She was the wife of Josh Daniel? A Yes.

Q Did your father, Peter Daniel, or your grandfather Josh Daniel or your grandmother Annie Daniel live in Mississippi in 1830? A In Alabama, yes; I don't know about 1830 they was living there when we came to this country- so I was told.

Q Then you don't know whether Josh Daniel or Annie Daniel lived in Mississippi in 1830? A No.

Q Is there anybody living who would know about that? A Yes, there are several.

Q Who are they? A Ibby Foreman.

Q Who is she? A She is a colored lady that lived down there and came to this country with the Daniels.

Q How old is she? A About 65 or 70.

Q Well, she didn't know your grandmother and grandfather in 1830 then? A No.

Q Well, I asked you if there was anybody living who knew your grandparents in 1830? A No, I misunderstood you, I don't know anybody living that knew them then.

Q Did your grandmother, Annie Daniel, or your grandfather, Josh Daniel, come West from Mississippi to the new country, that is the Indian Territory with the other Choctaw Indians when they came here in 1833 to 1838? A No.

Q Did either one of them go to the Indian agent there in Mississippi



within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi and become a citizen of the United States? A Not as I know of.

Q Is there anybody living that would be able to testify about that?

A I think not; no.

Q Did your grandfather or grandmother have a Choctaw name? A No, not as I know of.

Q Did you know your grandfather? A No.

Q Did you ever see him? A No.

Q Did you ever see your grandmother, Annie Daniel? A No.

Q Do you know if these people that you mentioned a little while ago know anything more about your grandparents than you do? A Yes; I don't know anything about it.

Q Could you get their testimony? A Yes.

Q Could you get them to come before the Commission and testify personally? A I could get them here if I was able to get them.

Q And are you able to bring them here? A No.

Q Could you get their depositions? A Yes.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, you will be permitted to do so and the same will be made a part of the records in this case.

Q Have you any documentary evidence that you want to file now? No.

Q Is there anything further you would like to say? A No only my father is here.

Q Would you like to have him testify? A Yes.

Q Mention these other people who knew your grandparents. A Alex Huckaby.

Q Who was he? A He was a colored man.

Q About how old is he? A I think I heard him say he in the 71, 72, 73

Q Any others? A Albert Scott.

Q Who is he? A Colored man, about 60 I think.

Q Anybody else? A No, I can't remember anybody else; I think there is several.

You will be permitted to offer their evidence, either orally or their depositions or affidavits.

Q Do you speak Choctaw? A No.

The applicant in this case has kinky hair and brown skin, rather dark black eyes and slight black mustache; his nose is broad and somewhat flat; his cheek bones are prominent but his forehead does not resemble that of a negro; his lips are thick and his general appearance closely resembles that of a negro. He does not speak Choctaw language and knows of no compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830. He knows nothing about any of his ancestors except his father and mother. It appears from his testimony that they lived in the State of Alabama probably at the time of the making of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 12 day of August, 1901.

*D. Hinchbaugh*  
Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

Testimony of Peter D. Daniel.

In the matter of the application of Irvin Daniel et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 11, 1901. M.C. 2917

In the matter of the application of Laura Evans et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 11, 1901, M.C. 2918

Peter D. Daniel being first duly sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Peter D. Daniel  
Q What is your age? A I will be sixty three next birth.  
Q What is your post office address? A Luna, Freestone County, Texas.  
Q You are an applicant here for identification as a Mississippi Choctaw?  
A Yes.  
Q Are you acquainted with applicants, Irvin Daniel and Laura Evans?  
A Yes.  
Q Are they any relation to you? A Yes; my children.  
Q Are they both your children? A Yes.  
Q What is their mother's name? A Cathelene.  
Q Are you ~~married~~ married to Cathelene? A Yes.  
Q When were you married to her? A '58 I believe.  
Q Were you married by a minister? A No, it was just a slavery ceremony performed on the plantation without having any minister.  
Q Did you ever get a certificate or paper from that man? A No, nothing like that was done in those days.  
Q Have you any evidence of your marriage? A No; but I can get that at home.  
Q You can get the affidavits of people who were at your wedding, can you? A Yes.  
Q These children get their Choctaw blood through you, do they? A Yes.  
Q And what is your father's name? A Josh Daniel.  
Q What is your mother's name? A Annis Daniel.  
Q Which one of your parents claimed to be Choctaw? A I told you I claimed through my father; that my mother had some Choctaw blood- I heard it from the old settlers- but we couldn't prove it and would not claim it.  
Q Well, your daughter, Laura Evans, didn't make any claim at all through her grandfather, Josh Daniel; she stated that you claimed your blood through your mother Annis Daniel? A Yes, I heard her make a mistake.  
Q She gets her Choctaw blood through you and you are making your claim through your father? A Yes.  
Q And your father was the grandfather of this child? A Yes.  
Q And she gets her Choctaw blood through the same ancestor that you do, then? A Yes.  
Q Do you know anything about whether Josh Daniel lived in Mississippi in 1830? A No.  
Q Do you know whether he went to the Indian agent there in Mississippi within six months and told him that he wanted to remain in Mississippi and become a citizen of the United States, that is in 1830? A No, I know he didn't go in reason.  
Q Do you know anybody living who would be able to testify about your

father, whether he was a Choctaw Indian and lived in Mississippi in 1850; whether he went to the Indian agent and told him that he wanted to stay in Mississippi? A No, I don't know.

Q Do you know of anybody living who would know any more about your father and his people than you do? A No, I hunted and hunted and couldn't find anybody who knows, anybody living.  
To applicants:

Q Is there anything more you would like to have brought out through your father? A Yes; he has a letter from a man in Monroe County, La. who knew all about this matter. Jack parks was his name.

Q Well, what do you want me to bring out? (Witness says he is mistaken the man was raised with "my mother in the yard, and I kept still about the letter 'cause I was claiming through my father").

Q Well, he didn't know anything about your father then? A No, nary a thing; that's my mother he knew.

Q Is there anything more you want to bring out from your father's testimony now? A No.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. H. Linebaugh*  
Notary Public.

Muskogee, Indian Territory, August 9, 1901.

Mr. J. E. Ross,  
Merida, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 31st in which you enclose affidavit of Edl Huckaby and Maria Robinson relative to the marriage of Peter D. Daniel and Cathelene Daniel and affidavit of Alex Huckaby and joint affidavit of Alex Huckaby and Abby Foreman, which you offer for filing in support of the application of Irvin Daniel et al and Laura Evans et al for identification as Mississippi Choctaws. Also, certified copy of marriage license and certificate between Irvin Daniel and Charlotte Tatum which you offer for filing in support of the application of Irvin Daniel et al for identification as Mississippi Choctaws. The same have been duly filed with the records in these cases.

Yours truly,

MC-2917  
MC2918

Muskegee, Indian Territory, August 24, 1901.

Mr. J. E. Ross,  
Mexia, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 12 in which you state that you are a friend of Peter D. Daniels, Irvin Daniels and Laura Evans, and ask to be informed as to whether or not the evidence offered by them is in the proper form.

In reply to your letter you are advised that on July 11, 1901 Peter D. Daniel appeared before the Commission at Atoka, Indian Territory and applied for identification for himself and his two minor children as Mississippi Choctaws. On the same date Irvin Daniel, his son, appeared before the Commission at Atoka, Indian Territory and applied for the identification of himself and nine minor children as Mississippi Choctaws. On the same date Laura Evans, daughter of Peter D. Daniel, appeared before the Commission at Atoka, Indian Territory and applied for the identification of herself and eight minor children as Mississippi Choctaws.

No action has yet been taken in any of these cases or any decision rendered. The affidavits offered for filing in these cases are in proper form and have been made a part of the original records in said cases.

At the time these applicants made personal appearance before the Commission at Ateka, Indian Territory they were fully advised as to what evidence they should procure in support of their applications. If they desire to offer any further proof in support of their claims, either oral testimony of witnesses, their depositions or affidavits, or any documentary evidence they will be permitted to do so and the same will be made a part of the record in their cases.

Yours truly,

M.C.R.2915  
" " " 2917  
" " " 2918

Muskogee, Indian Territory, September 10, 1901.

Mr. Irvin Daniel,  
Mexia,  
Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 19th, in which you state that you have been before the Commission at Atoka, Indian Territory, and were examined and made proof to the satisfaction of said Court enough to be identified as a Mississippi Choctaw. Also your father, D. Daniels and your sister, Laura Evans, and Arrie Riley. You ask to be advised if you will be allowed to come and look out a location in the Choctaw Reservation.

In reply to your letter you are advised that it appears from our records that on July 11th, Peter D. Daniel, Irvin Daniel, Laura Evans and Arrie Riley appeared before the Commission and applied for identification as Mississippi Choctaws. No action has yet been taken in these cases, or an opinion rendered.

When these cases are finally determined a copy of the decision, stating fully therein the reason for any action taken by the Commission, will be mailed to each of the applicants.

You are advised that when the lands of the Choctaw-Chickasaw country are allotted such allotments will be made to these per-

I. D., #2.

sons whose names appear upon the Rolls of the Choctaw and Chickasaw Nations, as approved by the Secretary of the Interior. Your status is merely that of an applicant for identification as a Mississippi Choctaw, and no decision has been reached in your case.

Yours truly,

M.C.2915  
M.C.2917  
M.C.2918  
M.C.2919



Muskogee, Indian Territory, November 13, 1901.

J. E. Ross,

Mexia, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant in which you desire to be informed if any decision has been rendered in the matter of the applications of Peter D. Daniels, Irwin Daniels, Laura Evans and Arrie Riley for identification as Mississippi Choctaws.

Replying to your inquiry you are informed that it appears from our records that at Atoka, Indian Territory, on July 12, 1901, Peter D. Daniels made personal application to this Commission for the identification of himself and his minor children, Mary L. and Dee Daniels, as Mississippi Choctaws.

On the same date Irwin Daniels made personal application at Atoka, Indian Territory, for the identification of himself and his minor children, Calvin, Arrie, Nancy M., Minnie, Frances F., Beatrice, Jessie, Laura and John Daniels, as Mississippi Choctaws.

Also that Laura Evans made personal application for the identification of herself and her minor children, Sarah L., Cathleen, Peter, Susie, Zephier, Reginald, Joe and Mary Evans, as

J. B. R., #2.

Mississippi Choctaws, and on the same date Arrie Riley made personal application for the identification of herself as a Mississippi Choctaw.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of these persons to identification as Mississippi Choctaws, and it is probable that no definite action will be taken for sometime to come. When a decision is reached the applicants will be duly notified of any action taken by the Commission.

The status of these persons at this time is merely that of applicants for identification as Mississippi Choctaws, and the Commission cannot consider them as in any manner listed for enrollment as citizens of the Choctaw and Chickasaw Nations, or entitled to participate in the distribution of the lands of these two nations.

Yours truly,

Acting Chairman.

M.C.2916  
M.C.2917  
M.C.2918  
M.C.2919.

Muskogee, Indian Territory, December 2, 1901.

Irvin Daniels,  
Mexico, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 28, in which you ask relative to your application for enrollment as a Choctaw citizen.

In reply to your letter, you are advised that it appears from our records that on July 11, 1901, Irvin Daniel of Mexico, Texas appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and minor children as Mississippi Choctaws. No decision has yet been reached or an opinion rendered relative to your rights as such Mississippi Choctaw.

If you desire to offer any further evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory. If your witnesses live in Mississippi, they may appear before the Commission at its office at Meridian, Mississippi, between January 15 and February 15, 1902. If it is impossible for you to secure the attendance of your witnesses in person, their depositions will be considered, when taken in accordance with the rules and reg-

I.D. 2

ulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules and regulations are herewith inclosed, for your information.

Yours truly,

Commissioner in Charge.

MC 2917

Miss. Choctaw R2817

Muskogee, Indian Territory, June 16, 1902.

Irvin Daniel,

Mexia, Texas,

Dear sir,

Receipt is hereby acknowledged of your letter of June 14, in which you state that you and your father, Peter M. Daniel, and your sisters, Laura Evans and Arrie Riley, appeared before the Commission at Atoka, Indian Territory, and applied for identification as Mississippi Choctaws, on July 11, 1901, and you ask if any decisions have been rendered in your cases.

In reply to your letter you are informed that no decision has yet been reached nor opinion rendered relative to your rights as Mississippi Choctaws. As soon as a decision is reached in these cases you will each be notified of the action of the Commission, and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 2917

Muskogee, Indian Territory, August 8, 1902.

Irvin Daniel,  
Lexia, Texas.

Dear Sir:

You are heroby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Peter D. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	" 2917
Laura Evans, et al.,	" 2918
Arrie Riley,	" 2919

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

I D \_\_\_\_\_ 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peter D. Daniel, Mary L. Daniel, Dee Daniel, Irvin Daniel, Calvin Daniel, Arrie Daniel, Nancy M. Daniel, Minnie Daniel, Frances F. Daniel, Beatrice Daniel, Jessie Daniel, Laura Daniel, John Daniel, Laura Evans, Sarah L. Evans, Catharine Evans, Peter Evans, Susie Evans, Zepher Evans, Reginald Evans, Joe Evans, Mary Evans and Arrie Riley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James D. Dwyer*

Acting Chairman.

Registered.

COB

M.C.R.2917

Muskogee, Indian Territory, October 21, 1902.

Irvin Daniel,  
Mexico, Texas.

Dear Sir:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Peter D. Daniel, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

Acting Chairman.



No. 2

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Irvin Daniel

Age 41

Blood

1/8

Post Office, Mexia, Texas

Father: Peter D. Daniel

Mother: Cathelene Daniel (dead)

Claims through father

wife: Charlotte Daniel  
(No claim for her)

Children: Calvin Daniel 19

Arrie " F 17

Nancy M. " 16

Minnie " 15

Francis F. " 11

Beatrice " 9

Jessie " 7

Laura " 5

John " 1

Claims for self and 9 children

Stenographer

Henry G. Harris

Choctaw MCR 2918

Laura Evans

See MCR 2915

MCR 2918

Department of the Interior  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

Testimony of Peter D. Daniel.

In the matter of the application of Irvin Daniel et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 11, 1901. M.C. 2917

In the matter of the application of Laura Evans et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 11, 1901. M.C. 2918

Peter D. Daniel being first duly sworn as a witness in these cases testified as follows on behalf of applicants:

Examination by the Commission:

- Q What is your name? A Peter D. Daniel  
Q What is your age? A I will be sixty three next birth.  
Q What is your post office address? A Luna, Freestone County, Texas.  
Q You are an applicant here for identification as a Mississippi Choctaw?  
A Yes.  
Q Are you acquainted with applicants, Irvin Daniel and Laura Evans?  
A Yes.  
Q Are they any relation to you? A Yes; my children.  
Q Are they both your children? A Yes.  
Q What is their mother's name? A Cathelene.  
Q Are you ~~married~~ married to Cathelene? A Yes.  
Q When were you married to her? A '58 I believe.  
Q Were you married by a minister? A No, it was just a slavery ceremony performed on the plantation without having any minister.  
Q Did you ever get a certificate or paper from that man? A No, nothing like that was done in those days.  
Q Have you any evidence of your marriage? A No; but I can get that at home.  
Q You can get the affidavits of people who were at your wedding, can you? A Yes.  
Q These children get their Choctaw blood through you, do they? A Yes.  
Q And what is your father's name? A Josh Daniel.  
Q What is your mother's name? A Annie Daniel.  
Q Which one of your parents claimed to be Choctaw? A I told you I claimed through my father; that my mother had some Choctaw blood- I heard it from the old settlers- but we couldn't prove it and would not claim it.  
Q Well, your daughter, Laura Evans, didn't make any claim at all through her grandfather, Josh Daniel; she stated that you claimed your blood through your mother Annie Daniel? A Yes, I heard her make a mistake.  
Q She gets her Choctaw blood through you and you are making your claim through your father? A Yes.  
Q And your father was the grandfather of this child? A Yes.  
Q And she gets her Choctaw blood through the same ancestor that you do, then? A Yes.  
Q Do you know anything about whether Josh Daniel lived in Mississippi in 1830? A No.  
Q Do you know whether he went to the Indian agent there in Mississippi within six months and told him that he wanted to remain in Mississippi and become a citizen of the United States, that is in 1830? A No, I know he didn't go in reason.  
Q Do you know anybody living who would be able to testify about your

2---

father, whether he was a Choctaw Indian and lived in Mississippi in 1830; whether he went to the Indian agent and told him that he wanted to stay in Mississippi? A No, I don't know.

Q Do you know of anybody living who would know any more about your father and his people than you do? A No, I hunted and hunted and couldn't find anybody who knows, anybody living.

To applicants:

Q Is there anything more you would like to have brought out through your father? A Yes; he has a letter from a man in Monroe County, La. who knew all about this matter. Jack parks was his name.

Q Well, what do you want me to bring out? (Witness says he is mistaken the man was raised with "my mother in the yard, and I kept still about the letter 'cause I was claiming through my father").

Q Well, he didn't know anything about your father then? A No, nary a thing; that's my mother he knew.

Q Is there anything more you want to bring out from your father's testimony now? A No.

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above testimony on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. H. Linebaugh*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2916

In the matter of the application of Laura Evans for the identification of herself and her eight minor children as Mississippi Choctaws, Laura Evans being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Laura Evans.  
Q How do you spell it? A E-v-a-n-s.  
Q What is your age? A Thirty nine.  
Q What is your post office address? A Mexia, <sup>x</sup> Texas.  
Q How long have you lived there? A In Texas I have been there all my life; was born in Texas.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Peter D. Daniel.  
Q Is he living? A Yes.  
Q What is your mother's name? A Cathelene Daniel.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q How much Choctaw blood did your father claim? A One fourth.  
Q What was your father's other blood? A Negro.  
Q Was he a slave? A Yes.  
Q What was your mother? A She was negro.  
Q Was she a slave? A Yes.  
Q Were you ever a slave? A Yes.  
Q Were your father and mother married? A Yes; I was taught that they was.  
Q When were they married? A They was married before the people got free.  
Q Have you any evidence of that marriage? A No not here.  
Q Could you get any evidence? A Yes.

It will be necessary for the Commission to be supplied with evidence of your father's marriage to your mother in support of your application for identification here.

- Q Has your father through whom you claim the right here to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Prince Evans.  
Q Is he living? A Yes.  
Q What is your husband? A He is negro.  
Q Do you make any claim for him? A No.  
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time? A Yes, I have eight.  
Q All under age and unmarried? A Yes.  
Q What is the name of the eldest? A Sarah L. Evans, nineteen;  
Q Next? A Cathelene Evans (Girl), seventeen.  
Q Spell that: A C-a-t-h-e-l-e-a-n  
Q Next? A Peter Evans, sixteen.  
Q Next? A Susie Evans, fourteen.  
Q Next? A Zepher Evans (Girl), twelve.  
Q Next? A Reginald Evans, ten.  
Q Next? A Joe Evans, (Boy), six;

Q Next? A Mary Evans, two.  
 Q Is that the last one? A Yes.  
 Q These are all your children? A Yes.  
 Q What is the name of their father? A Prince Evans.  
 Q When and where were you married to him? A In Freestone County, Texas in 1860.  
 Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
 Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or children to be enrolled as members of that tribe? A No.  
 Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States court in Indian Territory? A No.  
 Q Have you ever made application prior to this time for yourself or your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.  
 Q Is this the first application you have ever made of any kind? A Yes.  
 Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.  
 Q How do you make your claim now to be identified as a Mississippi Choctaw? A Through my father.  
 Q How do you claim through your father? A Mississippi Choctaw.  
 Q You are claiming now because you have always been taught that your father had Choctaw blood and through him you have it? A Yes.  
 Q Do you claim under any of the treaties? A Yes treaty of 1830, article fourteen.  
 Q Do you understand the provisions of that article? A Yes.  
 Q Well, tell us-? A I can't explain; the whites was crowding into Mississippi very fast and they saw that they could not give the proper farms to the Indians that they ought until- and they got those who wanted to come West. And all those who remained there for six months until they had authority they could hold citizenship in the Choctaw Nation and could get land there from the Government

When the United States was trying to make a treaty with the Choctaw Indians in 1830 there they could not remove the Indians West of the Mississippi River, they could not get a treaty with the Indians until some provision was made for those Indians who didn't want to come West. The Indians wouldn't sign any treaty until something was done for those who wanted to stay in Mississippi; so article fourteen was put into the treaty for the benefit of those who wanted to remain and when it was signed up all right. Article fourteen provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue.

Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could stay in Mississippi and not lose the privilege of Choctaw citizenship if they went to the Indian agent there in Mississippi within six months after the treaty and told him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States. And they would then receive land from the Government for themselves and their children; it also provided that if they ever removed they were not to receive any part of the Choctaw yearly payments of money.

- Q That's the provision under which you claim? A Yes.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q You know what is meant by the word benefits? A Yes.
- Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No, not that I ever heard of.
- Q What was the name of your ancestor or ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw tribe when this treaty was made? A I don't know any of them that lived there at that time.
- Q What was your father's father's name? A Josh Daniel.
- Q What was your father's mother's name? A Annie Daniel.
- Q Which one was enrolled? A His mother Annie Daniel.
- Q His father was not Indian then? A No, not as I know of.
- Q What was Annie Daniel's father's name? A I don't know.
- Q What was her mother's name? A I was taught she was named Charlotte, I don't know whether it is Charlotte Daniel; I guess it is.
- Q You don't suppose that Annie Daniel's name would be Charlotte Daniel do you? A I don't know what her other name was.
- Q Did you ever know Josh Daniel or Annie Daniel? A No, they died before I was born.
- Q Do you know whether either one of them or this Charlotte lived in Mississippi in 1830? A I don't know about that time, - but I know they lived there, I don't know whether it is that year or not.
- Q His father, that is your father testified that his father and mother lived in Alabama when he was born? Do you think they lived in Mississippi before they went to Alabama? A No, it is Alabama that I was thinking of.
- Q Well, I asked you if they lived in Mississippi in 1830? A Well, I did mean to say Alabama.
- Q Is there anybody living who would know your grandparents and this Charlotte your great-grandmother and know whether they lived in Mississippi in 1830 or not? A Yes, there are some living that knows Annie and Josh Daniel.
- Q Would they know if they lived in Mississippi in 1830? A In Alabama they lived.
- Q What part of Alabama, do you know? A No.
- Q You don't know whether they lived in the old Choctaw Nation then or not? A No.
- Q Do you know if Annie Daniel or this great grandmother Charlotte or any went to the Indian agent there in Mississippi within six months after this treaty was made and told him that they wanted to stay and become citizens of the United States? A No.
- Q Do you know if they ever got any land under this fourteenth article of the treaty of 1830? A No, I never did hear of it.
- Q Have you any records in your family, deeds or patents to show that? A No, I haven't got anything but just what my father had.
- Q Who is your father? A Peter D. Daniel.
- Q Is he here? A Yes.
- Q Do you want him to testify in your case? A Yes.



4---

certified copy of marriage license and certificate between Prince Evans and Laura Daniel offered in evidence by applicant, marked Exhibit "A2, filed and made a part of the record in this case

Q Do you know if your ancestors ever owned any land which they got from the Government under this treaty of 1830? A No.

Q Do you know if there is anybody living except your father who would know anything about that? A No.

Q Is there anything else that you would like to say at this time in support of your application? A No.

Q Have you any documentary evidence that you want to file, any affidavits or papers of any kind? A No.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, you will be permitted to do so and the same will be made a part of the records in this case.

Q You understand what that means? A Yes.

Q Do you speak Choctaw? A No.

Q You said you didn't know your grandparents personally? A No, I didn't know them.

Q You heard your father's testimony a moment ago, did you, in your case? A Yes.

Q And in that testimony you heard your father state that he claimed his Choctaw blood through his father? A Yes.

Q Well, in your examination a while ago you stated that your father claimed his Choctaw blood through his mother Annie Daniel, and that he didn't claim any Choctaw blood through his father, Josh Daniel?

A I made a mistake; my intention was to say through his father all the time.

Q You want now to go on record as claiming through your father's father? A Yes.

Q His name was what? A Josh Daniel.

Q He is the ancestor through whom you are claiming now? A Yes.

The applicant in this case has black eyes, kinky black hair and black complexion; her nose is broad though almost straight and her lips are thick; her chin is square, though she does not have the general appearance of a negro, she may possibly have the amount of Indian blood she claims- an eight or a sixteenth. She cannot speak the Choctaw language and knows of no compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830. She does not know her ancestors except her father and mother and knows nothing from family history of any of her ancestors farther back than her grandfather and grand mother, and knows almost nothing about them but their names.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. W. Linebaugh,

Notary Public.



Muskogee, Indian Territory, August 9, 1901.

Mr. J. B. Ross,  
Mexico, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 31st in which you enclose affidavit of Bill Huckaby and Maria Robinson relative to the marriage of Peter D. Daniel and Cathelene Daniel and affidavit of Alex Huckaby and joint affidavit of Alex Huckaby and Ebby Foreman, which you offer for filing in support of the application of Irvin Daniel et al and Laura Evans et al for identification as Mississippi Choctaws. Also, certified copy of marriage license and certificate between Irvin Daniel and Charlotte Tatum which you offer for filing in support of the application of Irvin Daniel et al for identification as Mississippi Choctaws. The same have been duly filed and with the records in these cases.

Yours truly,

MC-2917  
MC-2918

Muskogee, Indian Territory, August 24, 1901.

Mr. J. R. Ross,  
Mexia, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 12 in which you state that you are a friend of Peter D. Daniels, Irvin Daniels and Laura Evans, and ask to be informed as to whether or not the evidence offered by them is in the proper form.

In reply to your letter you are advised that on July 11, 1901 Peter D. Daniel appeared before the Commission at Atoka, Indian Territory and applied for identification for himself and his two minor children as Mississippi Choctaws. On the same date Irvin Daniel, his son, appeared before the Commission at Atoka, Indian Territory and applied for the identification of himself and nine minor children as Mississippi Choctaws. On the same date Laura Evans, daughter of Peter D. Daniel, appeared before the Commission at Atoka, Indian Territory and applied for the identification of herself and eight minor children as Mississippi Choctaws.

No action has yet been taken in any of these cases or any decision rendered. The affidavits offered for filing in these cases are in proper form and have been made a part of the original records in said cases.

At the time these applicants made personal appearance before the Commission at Atoka, Indian Territory they were fully advised as to what evidence they should procure in support of their applications. If they desire to offer any further proof in support of their claims, either oral testimony of witnesses, their depositions or affidavits, or any documentary evidence they will be permitted to do so and the same will be made a part of the record in their cases.

Yours truly,

M.C.R.2915  
" " " 2917  
" " " 2918

Muskogee, Indian Territory, September 10, 1901.

Mr. Irvin Daniel,  
Mexico,  
Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 19th, in which you state that you have been before the Commission at Atoka, Indian Territory, and were examined and made proof to the satisfaction of said Court enough to be identified as a Mississippi Choctaw. Also your father, D. Daniels and your sister, Laura Evans, and Arrie Riley. You ask to be advised if you will be allowed to come and look out a location in the Choctaw Reservation.

In reply to your letter you are advised that it appears from our records that on July 11th, Peter D. Daniel, Irvin Daniel, Laura Evans and Arrie Riley appeared before the Commission and applied for identification as Mississippi Choctaws. No action has yet been taken in these cases, or an opinion rendered.

When these cases are finally determined a copy of the decision, stating fully therein the reason for any action taken by the Commission, will be mailed to each of the applicants.

You are advised that when the lands of the Choctaw-Choctaw country are allotted such allotments will be made to those per-

I. D., #3.

sons whose names appear upon the Rolls of the Choctaw and Chickasaw Nations, as approved by the Secretary of the Interior. Your status is merely that of an applicant for identification as a Mississippi Choctaw, and no decision has been reached in your case.

Yours truly,

M. C. 2915  
M. C. 2917  
M. C. 2918  
M. C. 2919

Muskogee, Indian Territory, November 13, 1901.

J. E. Ross,

Mexia, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant in which you desire to be informed if any decision has been rendered in the matter of the applications of Peter D. Daniels, Irwin Daniels, Laura Evans and Arrie Riley for identification as Mississippi Choctaws.

Replying to your inquiry you are informed that it appears from our records that at Atoka, Indian Territory, on July 11, 1901, Peter D. Daniels made personal application to this Commission for the identification of himself and his minor children, Mary L. and Dee Daniels, as Mississippi Choctaws.

On the same date Irwin Daniels made personal application at Atoka, Indian Territory, for the identification of himself and his minor children, Calvin, Arrie, Mandy M., Minnie, Frances P., Beatrice, Jessie, Laura and John Daniels, as Mississippi Choctaws.

Also that Laura Evans made personal application for the identification of herself and her minor children, Sarah L., Cathleen, Peter, Susie, Lopher, Reginald, Joe and Mary Evans, as

J. E. R., #2.

Mississippi Choctaws, and on the same date Arris Riley made personal application for the identification of herself as a Mississippi Choctaw.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of these persons to identification as Mississippi Choctaws, and it is probable that no definite action will be taken for sometime to come. When a decision is reached the applicants will be duly notified of any action taken by the Commission.

The status of these persons at this time is merely that of applicants for identification as Mississippi Choctaws, and the Commission cannot consider them as in any manner listed for enrollment as citizens of the Choctaw and Chickasaw Nations, or entitled to participate in the distribution of the lands of these two nations.

Yours truly,

Acting Chairman.

M.C.2916  
M.C.2917  
M.C.2918  
M.C.2919.

M.C.R. 2918

COPY.

Winkochee, Indian Territory, August 8, 1902.

Laura Evans,  
Mexico, Texas.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Peter D. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	" 2917
Laura Evans, et al.,	" 2918
Arrie Wiley,	" 2919

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



L. R. 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peter G. Daniel, Mary L. Daniel, Dea Daniel, Irvin Daniel, Calvin Daniel, Arrie Daniel, Nancy M. Daniel, Minnie Daniel, Frances Daniel, Beatrice Daniel, Jessie Daniel, Laura Daniel, John Daniel, Laura Evans, Sarah L. Evans, Cathellean Evans, Peter Evans, Susie Evans, Zepher Evans, Reginald Evans, Joe Evans, Mary Evans and Arrie Wiley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James S. Gandy,  
Acting Chairman.

Registered.

M.C.A. 2018

Muskogee, Indian Territory, October 21, 1902

Laura Evans,  
Mexia, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Peter D. Daniel, et al., of which decision you were advised by registered mail on the 8th day of August 1902.

Respectfully,

Acting Chairman.

No. 4

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Laura Evans

Age 39 Blood '8

Post Office, Mexia Texas

Father: Peter D. Daniel

Mother: Catherine " (dead)

Claims through father  
husband Prince Evans  
(no claim for him)

Children:

Larah L. Evans		19
Cathleen	F	17
Peter	"	16
Lusie	"	14
Jepher	F	12
Reginald	"	10
Joe	M	6
Mary	"	2

Claims for self and children

Stenographer

Henry G. Gains

Choctaw MCR 2919

Arrie Riley

See MCR 2915

MCR 2919

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2919

In the matter of the application of Arrie Riley for identification as a Mississippi Choctaw.

Arrie Riley being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Arrie Riley.  
Q Spell it. A I can't spell.  
Q What is your age? A Forty five.  
Q What is your post office address? A Limestone, Texas.  
Q How long have you lived there? A Been living in Texas all my life.  
Q Ever had a home anywhere outside of the State of Texas? A No.  
Q What is your father's name? A Andrew Carter.  
Q Is he living? A No.  
Q What is your mother's name? A Alice Carter.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood?  
A Mother.  
Q How much Choctaw blood do you claim? A She was one--I forget.  
Q How much do you claim? A I claim an eight.; she has got the same as  
peters--that's my uncle.  
Q Peter D. Daniel you are speaking of? A Yes.  
Q You say he is your uncle? A Yes.  
Q What relation is he to your mother? A Brother.  
Q What was the other blood of your mother? A Mixed with white people.  
Q Well, was she mixed with negro? A I reckon her other grandmother  
was.  
Q Well, if her grandmother was, wasn't she? A Yes.  
Q Was she ever a slave? A Yes.  
Q What is your father's blood? A He is half white.  
Q And the other half was? A Negro.  
Q Was he a slave? A Yes.  
Q Were you a slave? A Yes.  
Q Are you married? A I have been married but my husband's dead.  
Q What was his, your husband's name? A Henry Riley.  
Q What was he? A He was Indian himself- he was half.  
Q What was the other half? A Of him? I don't know- I knew his mother  
and father was Indian but I don't know what it was.  
Q Well, what was his other blood, white or negro? A I reckon it was;  
I don't know which it was.  
Q Which was it? A I reckon it must have been negro.  
Q You say your husband was half an Indian and the other half was negro?  
Q It must have been; yes.  
Q You say he was a slave? A Yes.  
Q Have you any children living for whom you wish to apply at this time?  
A No, they both is dead.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the  
Indian Territory? A No.  
Q Have you ever made application to the Choctaw tribal authorities in  
the Indian territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you in 1896 make application to the Commissi  
on to the Five Civilized Tribes for citizenship in the Choctaw Nation  
under the Act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by  
the Choctaw tribal authorities, the Commission to the Five Civilized  
Tribes or by judgment of the United States Court in Indian Territory?  
A No.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No.

Q This is the first application you have ever made of any description? A No Yes.

Q You are now making application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim your right to identification now? A You say how do I claim?

Q Yes. A By the Choctaw.

Q Because you have always been taught that you have Choctaw blood? A Yes.

Q Do you make any claim by reason of any of the treaties between the United States and the Choctaw Indians? A No.

The law which gives the Commission the right to hear these applications authorizes it to identify those Choctaw Indians who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians living there in Mississippi in order to move them from that state to lands West of the Mississippi River and give them land there in exchange for lands over there in Mississippi; but they could not get any treaty with them until some provision was made for those Indians who wanted to stay there in Mississippi; so article fourteen was made a part of the treaty of 1830 for the benefit of those Indians who didn't want to come West; and after that article was made a part of that treaty, the treaty was signed without any more trouble by the United States and the Choctaw Indians. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who didn't want to come West could remain there in Mississippi and if they went to the Indian agent within six months after the treaty was ratified, and told them that they didn't want to come West, that they wanted to stay there in Mississippi and become citizens of the United States, they could receive land there for themselves and their children, and would not lose the privilege of Choctaw citizenship but if they ever removed were not to receive any part of the Choctaw yearly payments of money.

Q Do you make any claim under these provisions? A What way do you mean?

Q I mean do you make your claim under the provisions of this fourteenth article of the treaty of 1830 which I have just explained to you? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Do you know what is meant by the word benefits? A Yes.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q Do you know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor or ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw tribe when the treaty was made? A I don't know as any of them was there then.

3---

Q What was the name of your mother's father? A Josh Daniel.  
Q What was the name of your mother's mother? A Annie Daniel.  
Q Through which one of your mother's parents did she get her Choctaw blood? A I reckon she got it from her father.  
Q Were her father and mother married? A Yes.  
Q Have you any evidence of that? A No more than slavery time marriage.  
Q Could you get evidence of that? A Yes.  
Q It will be necessary for the Commission to be supplied with evidence of your grandparents' marriage in support of your application for identification as a Mississippi Choctaw. A Yes I can get that.

If there is no evidence of that marriage anywhere on record, the Commission will accept the affidavits of two disinterested parties who were present at the wedding or who knew that your grandparents lived together as man and wife and were commonly known as such in the neighborhood where they lived.

Q What was Josh Daniel's father's name? A Don't know.  
Q What was his mother's name? A Don't know.-I reckon that must have been his mother.  
Q What was her name? A Charlotte; I don't know nothing about them- I don't know what his name was- I just know my first grandparents.  
Q Do you know through which one of his parents he got his Choctaw blood? A No.  
Q Do you know whether Josh Daniel was a full blood? A No; at least he told me he wasn't.  
Q Do you know whether Josh Daniel lived in Mississippi in the old Choctaw Nation in 1830? A No.  
Q Do you know anybody who would be able to testify about that? A Three is some old people at home I believe who knows.  
Q Could you get them before the Commission to testify? A Yes.  
Q You think you could bring them up here? A No; I am satisfied I couldn't get them here.  
Q You think you could get their depositions then do you? A Yes.  
Q Do you know that Josh Daniel had any Choctaw blood in him? A No, only what I was taught.  
Q Do you know of anybody living who would know whether he had Choctaw blood or not? A I have heard a heap of people say that.  
Q Do you think you could get their evidence before the Commission? A I reckon so.  
Q Do you know whether your grandfather, Josh Daniel, came West from Mississippi to the present Indian Territory when the other Indians came from 1833 to 1838? A No, I don't know that.  
Q Do you know whether he went to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and told him he wanted to stay in Mississippi and become a citizen of the United States? A No.  
Q Do you know of anybody who would be able to tell about that? A No.  
Q Did any of your ancestors ever get any land in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A No, I know they didn't cause I never heard of it.  
Q Did they ever own any of them own any land anywhere which they received from the Government under this treaty of 1830? A No.  
Q Did they ever any of them get any scrip under the treaty of 1830? A No.  
Q Is there anything more you would like to say in support of your application? A I believe not.  
Q Did you want your uncle to testify in your case? A Yes; he is my uncle; my mother was his sister.

Peter D. Daniel being called and sworn as a witness in this case testified as follows on behalf of applicant:

Q What is your name? A Peter D. Daniel.



4----

Q What is your age? A Will be sixty three next birthday.  
Q What is your post office address? A Luna, Texas, Freestone Texas.  
Q Are you an applicant for identification as a Mississippi Choctaw here? A Yes.  
Q Are you acquainted with applicant, Arrie Riley? A Yes.  
Q Is she any relation to you? A Yes; my sister's daughter.  
Q What was her mother's name? A Alice Carter.  
Q What was her father's name? A Andrew Carter.  
Q Through which one of her parents does she claim her Choctaw blood? A Through her mother.  
Q Living or dead? A She is dead.  
Q Her mother was what relation to you? A Sister.  
Q So she gets her Indian blood through the same common ancestor that you do? A Yes.  
Q And that common ancestor was who? A That's my father  
Q What was his name? A Josh Daniel.  
Q Have you any evidence that he was a Choctaw Indian? A Yes; I have got such evidence as I presented to you today; it was what I have always been taught and heard him say so.  
Q Is there anybody living who knew your father personally and know that he had Choctaw blood? A I think no more than what is on that testimony; I may find some others who know it about like myself, but not much better than myself.  
Q Did your father live in the old Choctaw nation in 1830? A I don't know that is before I was born.  
Q Do you know whether he came West from the old Choctaw Nation to the present Choctaw Nation in the Indian Territory from 1833 to, 1838 when the other Indians came? A No, he didn't come, I know that from good reason.  
Q Where did you know him? A In Alabama.  
Q Did he die in Alabama? A No he died right after we got to Texas.  
Q He moved from Alabama to Texas? A Yes.  
Q About when? A About '49.  
Q Do you know whether he went to the Indian agent there in Mississippi and told him that he wanted to stay in Mississippi and become a citizen of the United States? A No, I don't.  
To applicant: Q Is there anything else you would like to bring out by your uncle? A No.

Witnesses excused.

To applicant: Q Did you know your grandfather, Josh Daniel? A No.  
Q You never saw him? A If I did I was so little I can't remember it.  
Q Can you speak Choctaw? A No.

The applicant in this case has curly black hair and black eyes and brown complexion; her cheek bones are rather prominent, her nose is moderately straight, her lips are rather thick; and her appearance would indicate that she was a mixture of negro and white, with perhaps the amount of Indian blood claimed by her. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She does not know her ancestors except her father and mother.  
Q And from family history she knows nothing about her ancestors farther back than her father and mother except their names.

Q Have you any documentary evidence, and affidavits or papers that you want to file now? A No, I didn't bring any.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses or their depositions



or affidavits the Commission will accept the same and make it a part of the records in your case.

Q Do you understand that, A Yes.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. Hinebaugh*

Notary Public.

Muskogee, Indian Territory, September 10, 1902.

Mr. Irvin Daniel,  
 Mexia,  
 Texas,

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 15th, in which you state that you have been before the Commission at Atoka, Indian Territory, and were examined and made proof to the satisfaction of said Court enough to be identified as a Mississippi Choctaw. Also your father, D. Daniels and your sister, Laura Evans, and Arrie Riley. You ask to be advised if you will be allowed to come and look out a location in the Choctaw Reservation.

In reply to your letter you are advised that it appears from our records that on July 11th, Peter M. Daniel, Irvin Daniel, Laura Evans and Arrie Riley appeared before the Commission and applied for identification as Mississippi Choctaws. No action has yet been taken in these cases, or an opinion rendered.

When these cases are finally determined a copy of the decision, stating fully therein the reasons for any action taken by the Commission, will be mailed to each of the applicants.

You are advised that when the lands of the Choctaw- Chickasaw country are allotted such allotments will be made to those per-

I. D., #2.

send whose names appear upon the Rolls of the Choctaw and Chickasaw Nations, as approved by the Secretary of the Interior. Your status is merely that of an applicant for identification as a Mississippi Choctaw, and no decision has been reached in your case.

Yours truly,

M.C. 2915  
M.C. 2917  
M.C. 2918  
M.C. 2919

Muskogee, Indian Territory, September 16, 1901.

Orra Riley,  
Mexia,  
Texas.

Dear Madame:-

Receipt is hereby acknowledged of your letter of September 8th, in which you ask to be advised if there is anything further for you to do in regard to the allotment of lands, and when you must come to see about it.

In reply to your letter you are advised that it appears from our records that on July 11th, 1901, Arrie Riley appeared before the Commission at Atoka, Indian Territory, and applied for identification as a Mississippi Choctaw. No evidence has been offered for filing in support of this application, except the testimony of Peter D. Daniel, your uncle, which was taken at the time you made personal appearance.

No action has been taken in regard to this application, or any opinion rendered. When this case is finally determined, a copy of the decision, stating fully therein the reasons for any action taken by the Commission, will be mailed to you at your present Post Office address. If you wish to offer any evidence in support of your application, either the oral testimony of witnesses, their dep-

O. R., #2.

positions or affidavits, or any documentary evidence, you will be permitted to do so, and the same will be made a part of the record in your case.

It is presumed that when an allotment of the Choctaw-Chickasaw lands is made, it will be to those citizens whose names appear upon the final rolls as approved by the Secretary of the Interior. When such allotment is made it will probably be under the provisions of the agreement of April 23rd, 1897, between the United States and the Choctaw and Chickasaw tribes of Indians as follows:-

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands"

It appears from our records that your status is merely that of an applicant for identification as a Mississippi Choctaw, and that no action has as yet been taken in regard to such application.

Yours truly,

M.C.2919.

Muskogee, Indian Territory, November 13, 1901.

J. E. Ross,

Mexia, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant in which you desire to be informed if any decision has been rendered in the matter of the applications of Peter D. Daniels, Irwin Daniels, Laura Evans and Arrie Riley for identification as Mississippi Choctaws.

Replying to your inquiry you are informed that it appears from our records that at Atoka, Indian Territory, on July 11, 1901, Peter D. Daniels made personal application to this Commission for the identification of himself and his minor children, Mary L. and Dee Daniels, as Mississippi Choctaws.

On the same date Irwin Daniels made personal application at Atoka, Indian Territory, for the identification of himself and his minor children, Calvin, Arrie, Nancy V., Minnie, Frances P., Beatrice, Jessie, Laura and John Daniels, as Mississippi Choctaws.

Also that Laura Evans made personal application for the identification of herself and her minor children, Sarah J., Cathellean, Peter, Susie, Zopher, Reginald, Joe and Mary Evans, as

J. E. R., #2.

Mississippi Choctaws, and on the same date Arris Riley made personal application for the identification of herself as a Mississippi Choctaw.

The Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of these persons to identification as Mississippi Choctaws, and it is probable that no definite action will be taken for sometime to come. When a decision is reached the applicants will be duly notified of any action taken by the Commission.

The status of these persons at this time is merely that of applicants for identification as Mississippi Choctaws, and the Commission cannot consider them as in any manner listed for enrollment as citizens of the Choctaw and Chickasaw Nations, or entitled to participate in the distribution of the lands of these two nations.

Yours truly,

Acting Chairman.

M.C.2915  
M.C.2917  
M.C.2918  
M.C.2919.

M.C.R. 2919

Mustang, Indian Territory, August 8, 1902.

Arrie Riley,  
Limestone, Texas.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Peter D. Daniel, et al., embracing the following applications for identification as Mississippi Choctaws:

Peter D. Daniel, et al.,	M.C.R. 2915
Irvin Daniel, et al.,	" 2917
Laura Evans, et al.,	" 2918
Arrie Riley,	" 2919

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peter T. Daniel, son of L. Daniel, Dec Daniel, Irvin Daniel, Calvin Daniel, Arrie Daniel, Nancy T. Daniel, Minnie Daniel, Frances T. Daniel, Beatrice Daniel, Jessie Daniel, Laura Daniel, John Daniel, Laura Evans, Sarah L. Evans, Catholene Evans, Peter Evans, Carrie Evans, Ephraim Evans, Reginald Evans, Joe Evans, Mrs. Evans and Arrie Riley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of any action as may be taken by him.

Yours truly,

James C. Hays,  
Acting Chairman.

Registered.

M.C.R. 2919

Muskogee, Indian Territory, October 21, 1902

Arrie Riley,

Limestone, Texas.

*Remailed Mexia, Limestone Co. Texas  
Oct. 24. 92*

Dear Madam:

You are hereby advised that on the 10th day of October 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Peter D. Daniel, et al., of which decision you were advised by registered mail on the 8th day of August 1902.

Respectfully,

*[Signature]*  
Acting Chairman.

No.

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name *Arrie Riley*

Age *45* Blood *1/8*

Post Office, *Meria, Tex.*  
*Limestone County*

Father: *Andrew Carter (dead)*

Mother: *Alice Carter (dead)*

Claims through *mother*

Husband: *Henry Riley (dead)*

~~Children:~~

*Claims for self only*

Stenographer

*Henry S. Hains*

Choctaw MCR 2920

Pettie Z. Harris

See MCR 3256

MCR 2920

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Pettie Z. Harris, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Pettie Z. Harris, et al.,	H.C.R. 2920
Walter Harris, et al.,	H.C.R. 3254.

List of papers forwarded to the Secretary of the Interior embracing the record in the consolidated case of Pettie Z. Harris, et al.

	(Page)
Original application of Pettie Z. Harris, et al., for identification as Mississippi Choctaws.....	1
Ex parte affidavit of Alice Fleming.....	7
Ex parte affidavit, interrogat ve form, of Mrs. M. J. Parr.....	8
Ex parte affidavit of J. M. Moore.....	12
Ex parte affidavit of H. W. Parr.....	13
Ex parte affidavit of J. W. Harris.....	14
Certified copy of marriage record, between Hudson T. Harris and Hannah E. Henry .....	15
Ex parte affidavit of Carroll C. Harris.....	16
Certified copy of Marriage license between Pettie Z. Harris and Miss Attress Melton.....	18
Ex parte affidavit of B. J. Harris.....	19
Ex parte affidavit of John J. Stephens.....	20
Ex parte affidavit of Madella C. Carpenter.....	21
" " " " " " .....	23

Certified copy of marriage record between <del>Pettie</del> Z. Harris and Miss C. C. Wheeler.....	25
Original application of Walter Harris, et al., for identification as Mississippi Choctaws.....	27
Certified copy of Marriage record between Walter Harris and Miss A. A. J. Wilson.....	33
Decision of the Commission denying the application of Pettie Z. Harris, et al., for identificaion as Mississippi Choctaws.....	34

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2920

In the matter of the application of Pettie Z. Harris for the identification of himself and his seven minor children as Mississippi Choctaws.

Pettie Z. Harris being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Pettie Z. Harris.  
Q Spell the first name? A Pe-t-t-i-e-  
Q What is your age? A Thirty nine.  
Q What is your post-office address? A Durant.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A Seven months.  
Q Where before you lived there? A Arkansas.  
Q How long did you live in Arkansas? A Twenty two years.  
Q Where did you live before you lived there? A Mississippi.  
Q How long did you live in Mississippi? A I lived in Alabama a short time between whiles; I was born and remained in Mississippi til I was four years old and went to Alabama and remained there until '74; I lived in Mississippi five years of my life.  
Q In '79 you went back to Mississippi? A No, I went to Mississippi in '78 and remained there one year.  
Q What is your father's name? A Hudson P. Harris.  
Q Is He living? A No.  
Q What is your mother's name? A Hannah E. Harris.  
Q Is she living? A No. Her name was Henry before she married.  
Q Through which one of your parents do you derive your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother through whom you claim your Choctaw blood ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No, my mother wasn't-enrolled.  
Q Are you married? A Yes.  
Q What is your wife's name? A Carroll C. Harris.  
Q Spell tht first name? A C-a-r-r-o-l-l  
Q Is she living? A Yes, I am living with my second wife.  
Q Are you going to make application for children by both wives? A Yes.  
Q Do you make any application on behalf of your wife? A No; oh yes.  
Q What do you claim for your wife? A I don't claim that she has any blood in her; its only for the children.  
Q You don't make any application for your wife then? A If there is any law of course I will.  
Q Well the Commission knows of no law which authorizes any application for applicants who claim for their wives through intermarriage; but if you desire to do so it will hear your application. You don't make any claim then? A No.  
Q Have you any children for whom you wish to make application at this time? A Yes seven.  
Q Mention the names and ages of your children by your first wife?  
A Leslie O. Harris (Boy), fourteen.  
Q L-e-s-l-i-e? A Yes.  
Q Next? A Lela I. Harris, she is eleven.  
Q Spell it. A L-e-l-a.  
Q Next? A Lillian V. Harris, she is ten.  
Q Do you spell Lillian with two 'l's'? A Yes, Lillian.

2-----

Q Next? A Lloyd, he is six.  
Q L-l-o-y-d? A Yes.  
Q Are these all by your first wife? A Yes.  
Q What is the name of the mother of these four children? A Attress M. Harris.  
Q Spell it. A A-t-t-r-e-s-s.  
Q Is she dead? A Yes.  
Q She was a white woman and made no claim to Indian blood? A No, none at all.  
Q Mention the names and ages of your other children. A Douglass, he is four.  
Q D-o-u-g-l-a-s-s? A Yes.  
Q Next? A Anise, she is two years.  
Q Spell that? A A-n-i-s-e.  
Q Next? A Fay, she is five months old.  
Q What is the name of the mother of these three last children? A Carroll C. Harris.  
Q When and where were you married to Carroll C. Harris? A The 8th. of March five years ago in Arkansas.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister--? A Yes ordained minister.  
~~Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I haven't them with me but I can procure them.~~

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Carroll C. Harris in support of the application for your minor children.

Q When and where were you married to Attress M. Harris? A Here in Arkansas, in '84, 18th. December.  
Q Did you obtain a license to marry her? A Yes.  
Q Were you married by an ordained minister or by an official--? A Ordained minister.  
Q Have you your marriage license and certificate and do you desire to offer same in evidence? A I have not it with me but I can procure it.

It will be necessary for the Commission to be supplied with evidence of your marriage to her in support of the application for the other minor children.

Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know absolutely whether they are or not.  
Q Do you think they are? A I can't tell; oh, no, they are not on the roll.  
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or children to be enrolled as members of that tribe? A No.  
Q Did you or any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.  
Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled yourself and children as citizens of the Choctaw Nation? A No, not till the present.  
Q Is this the first application of any kind you have ever made? A Yes



3---

Q Do you now make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified as a Mississippi Choctaw? A I claim through my mother.

Q You claim the right because you have always been taught that your mother had Choctaw blood and through her you have? A Yes.

Q Do you claim under any of the treaties? A Yes.

Q What treaty? A 1830.

Q The whole treaty? A No, article fourteen.

Q Are you familiar with the provisions of that article? A No, I have studied them fairly well.

In 1830 the United States wanted to make a treaty with the Choctaw Indians for the purpose of removing them from the State of Mississippi to the country West of the Mississippi River, that is, the present Indian Territory and give them lands here for lands in Mississippi in order that the State might be thrown open to white settlement; but they couldn't get any treaty with the Indians until some provision was made for those who didn't want to come West; so article fourteen was made a part of the treaty for the benefit of those who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians that didn't want to come West could remain in Mississippi and by going to the Indian agent there within six months after the treaty was ratified and telling him that they wanted to stay there and become citizens of the States they could receive land there for themselves and their children; and the article further provided that if they did this they were not to lose the privilege of Choctaw citizenship but if they ever removed were to receive no part of the Choctaw yearly payments of money.

Q Is that the treaty under which you are claiming? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors--? A If they have I don't know it positively.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and were acknowledged members of the Choctaw tribe when this treaty was made between the United States and the Choctaw Indians? A My grandmother's name was Henry.

Q What was her Christian name? A Dorcas.

Q Did she live in Mississippi in 1830? A Yes.

Q Have you any evidence of that fact? A Yes. I can produce the evidence that the family lived in Mississippi in 1830.

Q Is there anybody living that could testify that she, Dorcas Henry, lived in Mississippi in 1830? A Yes she lived in Mississippi and Alabama both.

4-----  
Q Can you bring them before the Commission in person? A I can't say, but I can get their depositions.

It will be better to bring them before the Commission in person.

Q Can you get their depositions? A Yes.

Q Was Dorcas Henry Choctaw? A Yes she was part.

Q Was she a recognized member of that tribe? A Yes.

Q You can get somebody to testify to that? A Yes.

Q Did you know your grandmother? A Yes.

Q Is she living now? A No she has been dead 26 years I was only 10 or 12 years old when she died, but I remember her.

Q How old was she when she died? A 67.

Q Where did she die? A Over in Alabama.

Q Did you know her when she died? A Yes.

Q About how old when this treaty was made- how old was she when, in 1830  
A Let's see; she has been dead 26 years, and she was very small in 1830 of course.

Q What was her mother's name? A Her-grandmother's mother? I don't know her given name, but her name was Fields.

Q What was her father's name? A I don't remember; my grandfather died while I was yet young; grandmother lived to be old.

Q Was your grandmother's name Dorcas Henry? A Yes.

Q At the time of the making of this treaty? A No, she was a Fields at the making of this treaty; no she was a Henry at the time of the making of this treaty; she was married in 1830.

Q How much Choctaw blood did your grandmother have? A Only a quarter.

Q Did she have any Choctaw name? A No.

Q Through which one of her parents did she claim her Choctaw blood?

Q Through her father; the Fields family.

Q Do you know whether your grandmother came West from the old Choctaw Nation to the present Choctaw Nation from 1833 to 1838 with the other Indians of the Choctaw tribe? A No, she didn't come.

Q You say she died in Alabama? A Yes.

Q She never came West of the Mississippi River then? A No.

Q Do you know if she went to the United States Indi an agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A Yes, there was an application made.

Q By whom? A By my grandmother; you know how things went about that time. A

Q To whom did she make application? A To the agent.

Q What was his name? A I don't know; of course it is only through statements I have these things.

Q Have you any evidence? A It is what grandmother told us.

Q Your grandmother told you that she made such application? A Yes.

Q Did she ever get any land? A No. She never got any land or scrip.

Q Did she make application to any Commission appointed under the Acts of Congress of March 3, 1837 or February 22, 1838? A What was '37?

Q The Act of 1837 as far as it applied to the claimants under the fourteenth article of the treaty of 1830 provided for the appointment of a Commission to look into these claims under that article and under the nineteenth article, and under that act, Murray & Vroom were appointed as Commissioners; and a great many Indians that were living in Mississippi at that time came before them and made application for land and these Commissioners took up a great many of these applications took a large amount of testimony and passed on a great many cases approving them, and a number of them about ninety nine or more were approved by the Secretary of War and the President. Then under further Acts of Congress in August 23, 1842, new Commissioners were appointed and they took up a great many more cases and passed on probably one

thousand cases and there were some approved by the secretary of War, some by the President and Secretary of the Interior.

Q Did your grandmother, Dorcas Henry, make application to any of these Commissioners? A Yes, she did to the first Commissioners.

Q Do you know whether there was anything done with that? A There was nothing done with it.

Q Her claim never was approved? A No.

The record of cases approved by Commissioners under Acts of Congress of March 3, 1837 and February 22, 1838 and August 23, 1842, examined and the name of Dorcas Henry not found thereon.

Q Have you any witnesses who could testify that your grandmother made application to this Commission under Act of Congress of March 3, 1837? A I have none only just her statement of it; I have others that would make the same statement, that that is what she said that she appeared before the Commission and was rejected; she said the man was drunk and that is all.

Q So you think that your grandmother applied to the Indian agent under the treaty of 1830 and that was what you meant when you said under the first Act? A Yes, I meant that she applied under the Treaty.

Q Well, did she go to the Commissioners and apply under any of the Acts spoken of and make application to them? A I don't know.

Q Is there anybody living who knew your grandmother in 1830 and could testify about these matters? A If there is I don't know.

Q You understand that it is a very material fact to have such evidence? A Yes, I do; but, you see, that arose so very far back that it takes a very old person.

Q Did your grandmother or any of your ancestors receive any lands in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A No, they received no lands.

Q Did any of your ancestors ever own any lands which they received from the Government under this treaty of 1830? A No, I think not.

Q Did any of them ever receive any scrip from the Government? A No.

Q Is there any other statement you wish to make? A If that is all the questions you are going to make, of course you like to make it as brief as possible.

Q Well, if you know of any other facts that would be beneficial to your case you can state them. A Yes, of course; its in there that I have always been taught that I have Choctaw blood by my ancestors.

Should you desire to offer any further evidence in support of your claim either the oral testimony of witnesses, their depositions or affidavits, you will be permitted to do so and the Commission will make them a part of the record in your case.

Q Can you speak Choctaw? A No.

The applicant in this case has gray eyes and straight brown hair not very dark; his cheek bones are a trifle prominent and his mustache is brown, his complexion is rather florid. But his general appearance is that of a white person. He does not speak the Choctaw language. He states that his grandmother told him she went to the Indian agent there in Mississippi in 1830 and was rejected but he does not know of her having made application to the various Commissioners appointed under Acts of Congress of March 3, 1837, February 22, 1838 and August 23, 1842. It appears from his statement that his grandmother lived in Mississippi and Alabama and died in Alabama.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all

proceedings had in the above entitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. H. Linebaugh*  
Notary Public

*Indk  
C.O.W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Pettie Z. Harris, et al  
for identification as Mississippi Choctaws, consolidating the  
applications of:

Pettie Z. Harris, et al.,	M.C.R. 2920
Walter Harris, et al.,	M.C.R. 3256.

--: D E C I S I O N :--

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Pettie Z. Harris for himself and his seven minor children, Leslie  
O., Lela I., Lillian V., Lloyd, Douglass, Anise, and Fay Harris,  
and by Walter Harris for himself and his six minor children, Bertha,  
Myrtle, Mamie, Homer, Hosea, and Zulah Harris, under the following  
provision of the act of Congress approved June 28, 1898, (30 Stats.,  
495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one ----- Fields, (first name not given), who is alleged to have been a Choctaw Indian (degree of blood not given), and of one Dorcas (or Darkus) Henry (nee Fields), who is alleged to have been an one-fourth Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

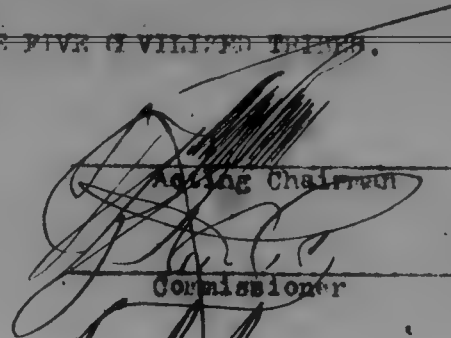
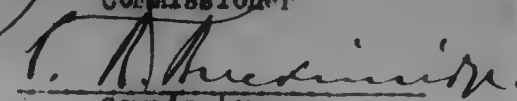
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said ----- Fields or the said Dorcas (or Darkus) Henry, nee Fields, or any less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).



It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pettie Z. Harris, Leslie O. Harris, Lela I. Harris, Lillian V. Harris, Lloyd Harris, Douglass Harris, Anise Harris, Fay Harris, Walter Harris, Bertha Harris, Myrtie Harris, Mamie Harris, Homer Harris, Moses Harris, and Zulah Harris, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman  
Commissioner  
  
Commissioner.

Muskogee, Indian Territory,

AUG 26 1902

Muskogee, Indian Territory, September 18, 1901.

F.E. Harris,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 9, 1901, enclosing deposition of Mrs. M. J. Parr which you ask to have filed in support of your application for identification as a Mississippi Choctaw. The same has been made a part of the record in this case and will receive consideration in the disposition of this application.

Yours truly,

N.C. 2220



M C R 2920

Muskogee, Indian Territory, July 22, 1902.

Pettie Z. Harris,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date in which you ask what disposition has been made of your claim and "if anything is lacking in this claim."

In reply you are informed that the records of the Commission show that you are an applicant for the identification of yourself and your minor children as Mississippi Choctaws. No decision has been reached now opinion rendered relative to your right to such identification. When a decision is rendered you will be duly notified of the action of the Commission.

The Commission cannot render an opinion upon the sufficiency of evidence submitted in support of applications for identification as Mississippi Choctaws until the cases are taken up for final consideration and decision.

Yours truly,

Commissioner in charge.

COPIES  
M C R 2920

Muskogee, Indian Territory, August 26, 1902.

Pettie Z. Harris,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 26th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pettie Z. Harris, et al., embracing the following applications for identification as Mississippi Choctaws:

Pettie Z. Harris, et al.,	M C R 2920
Walter Harris, et al.,	M C R 3256

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

P 2 H-2-

Pettie Z. Harris, Leslie O. Harris, Lela I. Harris, Lillian V. Harris, Lloyd Harris, Douglass Harris, Anise Harris, Fay Harris, Walter Harris, Bertha Harris, Myrtle Harris, Mamie Harris, Homer Harris, Hosea Harris and Zulah Harris, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and th thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. H. HARRIS

W. H. HARRIS

Asting Chairman.

Registered.

M C R 2920

Muskogee, Indian Territory, August 26, 1902.

Mansfield, McMurray & Cernish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South, McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of August 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pettie Z. Harris, et al., embracing the following applications for identification as Mississippi Choctaws:

Pettie Z. Harris, et al.,	M C R 2920
Walter Harris, et al.,	M C R 3256

These applications were made under the provision of the act of Congress of June 20, 1890 (26 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

X-101 & 5-8.

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pettie Z. Harris, Leslie O. Harris, Lela I. Harris, Lillian V. Harris, Lloyd Harris, Douglass Harris, Anise Harris, Fay Harris, Walter Harris, Bertha Harris, Myrtle Harris, Mamie Harris, Homer Harris, Hesea Harris, and Sulah Harris, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M C R 2920

Muskogee, Indian Territory, August 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Pettie E. Harris, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 26, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Pettie E. Harris, et al.,  
Walter Harris, et al.,

M C R 2920  
M C R 3256

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

I enclose,  
Through the Commissioner  
of Indian Affairs.

Acting Chairman.

M.O.R. 2920.

Muskogee, Indian Territory, December 4, 1902.

Pettie Z. Harris,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28d ultimo, addressed to the Secretary of the Interior and by him forwarded to this Commission for consideration and appropriate action. Therein you ask, "Is there no chance for me to render further evidence in behalf of the claim?"

In reply, you are advised that the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior on August 28, 1902, for review.

The Commission has not up to this time received notice of any departmental action thereon. As soon as the Commission is informed of such action, you will be duly advised. Pending action of the Secretary of the Interior, the Commission cannot receive or consider further evidence in support of your claim.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 2920.

Muskogee, Indian Territory, February 5, 1903.

Pettie Z. Harris,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pettie Z. Harris, et al., of which decision you were advised by registered mail on the 26th day of August, 1902.

Respectfully,

(SIGNED).

*C. R. Brockbridge*  
Commissioner in Charge.



COPY.

M.C.R. 2920.

Muskogee, Indian Territory, February 5, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pettie Z. Harris, et al., of which decision you were advised by mail on the 26th day of August, 1902.

Respectfully,

*C. R. Breckinridge*  
Commissioner in Charge.

Fields

Dorcas Fields

married

Silas Henry

Nannah E. Henry

married

Hudson P. Harris

Walter Harris 45, 1/16

wife  
Delia Harris

Pattie Z. Harris 39, 1/16

wife

① Address in Harris, W.D.

② Carroll C. Harris

Bertha Harris, 19

Myrtle Harris, 15

Mamie Harris, 13

Homer Harris, 8

Hosea Harris, 6

Zulah Harris, 2

Leslie O. Harris, 14

Lela J. Harris, 11

Lillian V. Harris, 10

Lloyd Harris, 6

Douglas Harris, 4

Anise Harris, 2

Fay Harris, 5 mo.

No. ....

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Pettie G Harris

Age 39 Blood 1/16

Post Office, Durant, Ok

Father: Hudson P. Harris (dead)

Mother: Hannah E Harris (dead)

Claims through mother  
wife: Carroll P. Harris  
(no claim for her)

Children:

Leslie O. Harris M 14

Lela D " 11

Lillian V " 10

Lloyd " 6

Nephew: Pettie M. Harris (dead)

Douglas Harris 4

Archie " F 2

Gay " F 6 mo.

Claims for self and 7 children

Stenographer

Henry D. Hains

Choctaw MCR 2921

Alice Ely

MCR 2921

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2921

In the matter of the application of Alice Ely for the identification as a Mississippi Choctaw.

Alice Ely being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alice E-l-y.
- Q What is your age? A Thirty two.
- Q What is your post-office address? A Sherman, Texas; 718 E. Chapin St.
- Q How long have you lived there? A About seven years.
- Q Where did you live before that? A Tennessee.
- Q How long did you live in Tennessee? A I was born and raised in Tennessee and until I moved to Sherman seven years ago.
- Q Never have had a home except in Tennessee and Texas? A Never.
- Q What is your father's name? A John Inman.
- Q Is he living? A No.
- Q What is your mother's name? A Sarah Inman.
- Q Is she living? A Yes.
- Q Through which one of your parents do you derive your Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim? A About one eighth.
- Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Are you married? A Yes.
- Q What is your husband's name? A Levi Ely.
- Q Is he living? A No.
- Q Was a white man and made no claim to Indian blood? A Yes; he did not.
- Q Have you any children for whom you wish to make application at this time? A One.
- Q Give the name and age. A Lela, L-e-l-a Ely, 16 years old.
- Q She is not married? A No.
- Q This is your child? A Yes.
- Q What is the name of her father? A Levi Ely.
- Q When and where were you married to him? A Tennessee, 1884, 14 May.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or child to be enrolled as members of that tribe? A No.
- Q Did you or any one for you or your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
- Q Have you ever made application for yourself or child to either the Choctaw tribal authorities or the authorities of the United States prior to this time to be admitted or enrolled as citizens of the Choctaw Nation?
- A No.

Q Is this the first application you have ever made of any kind? A Yes.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified as a Mississippi Choctaw? A I don't understand what you mean.

Q Well, what do you think gives you the right now to come here and make application to be identified as a Mississippi Choctaw? A I don't know.

Q Why do you come now then to be identified? 'Cause I have got the blood in me that's all.

Q You claim because you have always been taught that you have Choctaw blood? A Yes.

Q Do you claim under any of the treaties? A Yes under 1830.

Q What do you claim under 1830? A Don't know.

Q Do you claim under the whole treaty? A Yes under all.

The provision of law which gives the Commission authority to hear applications for identification as Mississippi Choctaws authorizes it to identify those who claim under the fourteenth article of the treaty of 1830. In 1830 the United States was anxious to get a treaty with the Choctaw Indians in order to remove them from the State of Mississippi to lands west of the Mississippi River and give them lands over here in exchange for their lands there in Mississippi; but the Choctaw Indians would make no treaty until some provisions was made for those who wanted to stay in Mississippi; so article fourteen was made a part of the treaty for the benefit of those Choctaws who didn't want to come West and then the treaty was signed by both the Indians and the Commissioners for the United States. Article fourteen of the treaty of 1830 provided that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could, if they went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States, receive land from the government and in doing that they would not lose the right to Choctaw citizenship but if they ever removed were not to receive any part of the Choctaw annuities.

Q Do you claim anything under these provisions? A I don't know.

Q Do you claim under the nineteenth article of the treaty of 1830?

A I claim under all that belongs to the Mississippi Choctaw.

Q Do you claim under the supplement to the treaty of 1830? A I don't understand what that is.

Q I told you that the law which gives it the right to identify Mississippi Choctaws gives it the right to identify those who claim under the fourteenth article of the treaty of 1830; I explained that to you.

A Well, I know you did.

Q Now I am trying to find out what other treaty you are claiming under.  
 A I don't know I am ignorant, I don't know anything about them except what I have been taught that I have Choctaw blood.  
 Q Have you ever received any benefits as a Choctaw Indian? A No.  
 Q Have any of your ancestors ever? A Not that I know of.  
 Q What was the name of your ancestor ancestors who lived in the old Choctaw Nation in Mississippi and Alabama and were acknowledged members of the Choctaw tribe in 1830 when this treaty was made between the United States and the Choctaw Indians? A I don't know whether any of my ancestors lived there then or not; if they were I don't know it.  
 Q What was your mother's mother's name? A Daniel Coleman.  
 Q What was your mother's mother's name? A Mary Coleman.  
 Q Through which one of her parents did your mother get her Choctaw blood? A From her mother; and her father too.  
 Q She got Choctaw blood from both? A Yes.  
 Q And what was Mary Coleman's mother's name? A I don't know her given name but her other name was Bennett.  
 Q And what was her father's name? A I don't know.  
 Q Was it Bennett? A I suppose her name was Bennett before she was married, and so I guess.  
 Q I asked you what your great grandmother's husband's name was?  
 A I don't know.  
 Q Well, was it your great grandfather or great grandmother claimed Choctaw blood? A I don't know.  
 Q And you say Daniel Coleman claimed to be Choctaw also? A Yes.  
 Q What was his father's name? A I don't know.  
 Q What was his mother's name? A I don't know.  
 Q Do you know through which one of his parents he got his Choctaw blood? A No.  
 Q Did you know Daniel and Mary Coleman? A I knew her but not him.  
 Q When did you know her? A Its been about nineteen years since she died.  
 Q Where? A In Tennessee.  
 Q How long had you known her? A Since I was small.  
 Q She had always lived near you? A Yes, since I can remember.  
 Q Had she lived in Tennessee ever since you could remember? A Yes.  
 Q About how old was she when she died? A I don't know; was very old though.  
 Q About how old? A I expect somewhere near sixty.  
 Q Was she living in 1830? A I don't know whether she was or not, I guess she was though.  
 Q Is there anybody living who knew your grandmother and could testify anything about her? A Yes, I think so.  
 Q Who knew her personally and whether she was a Choctaw and where she was living in 1830? A Yes; my mother's name--she would know.  
 Q Where was she living? A In Tennessee.  
 Q She is living in Tennessee? A Yes.  
 Q Could you get her deposition? A Yes.  
 Q Could you bring her before the Commission? A No, 'cause she is very old, and would not be able to stand the trip here.  
 Q How old is she? A She is somewhere in the latter part of fifty or near sixty.  
 Q Is there anyone else living who knew your grandmother and would know anything about these facts, whether she was living in 1830 and where? A I guess so; of course I can't answer truthfully until I ask my mother and find out. But then she lived several years in Roland County in Tennessee; I could ask them.  
 Q You say you never knew your grandmother? A No, I never knew her.  
 Q Did you know your grandfather Daniel Coleman? A No never knew him.  
 Q Do you know whether he was living in 1830? A I don't.  
 Q Do you know of anybody living who could testify about him?  
 A No, only I will write my mother--maybe she will and can tell me.



4--  
Q Do you know whether any of your ancestors came West from the old Choctaw Nation in Mississippi and Alabama to this Choctaw Nation between 1833 to 1836? A I don't.

Do you know whether your grandfather and grandmother were Choctaw Indians or not? A No, nothing only what I have been taught by my parents.

Q Do you know anybody who could testify whether your grandparents were Choctaw Indians or not? A I think so.

Q Could you get their evidence before the Commission? A Yes I could if you give me time enough; you know I would have to write to her and have her write back to these people.

Q Do you know whether any of your ancestors ever went to the Indian agent there in Mississippi and told him that they wanted to stay in the State of Mississippi and become citizens of the United States?

A I don't know.

Q Do you know whether any of them ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Do you know whether any of them ever owned any land which they received from the Government under the treaty of 1830? A No.

Q Do you know whether any of them ever got any scrip--? A No.

Q Is there anything else you would like to say in support of this application at this time? A No; not, only I could write to her and find out.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits, the same will be accepted and made a part of the record in your case.

Q Have you any affidavits, documentary evidence, papers of any sort? A No.

Q Is there anybody living who could testify whether any of your ancestors ever owned any land which they received from the Government?

A I can't tell you whether there is or not.

Q Have you any records or copies of deeds or patents in your family to show anything of that kind? A No.

Q Is there any tradition in your family about that? A No.

Q Can you speak Choctaw? A No.

Q Can your mother speak Choctaw? A No.

The applicant in this case has straight brown hair, brown eyes and olive complexion; her face is rather broad and her cheek bones a trifle high, but her features and general appearance are that of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830. She knows very little about her ancestors and does not know whether any of them lived in Mississippi in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Hinebaugh*  
Notary Public.



Muskogee, Indian Territory, July 25, 1901.

Alice Nly,

718 E. Chafin Street,

Sherman, Texas,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of John Lewis and John Albertson, which were offered for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same have been made a part of the record in this case.

Yours truly,

Commissioner in Charge.

MO 2921

COPY.

M.C.R. 2921

Muskogee, Indian Territory, February 6, 1903.

Alice Ely,  
718 E. Chafin Street,  
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Addie Garland, et al., embracing the following applications for identification as Mississippi Choctaws:

Addie Garland, et al.,	M.C.R. 3252
Alice Ely, et al.,	M.C.R. 2921

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Addie Garland, Tom Garland, Ernest Garland, Alice Ely and Lola Ely as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Alice Fly, -2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

M.C.R. 2921

COPY.

Muskogee, Indian Territory, April 30, 1903.

Alice Ely,  
718 E. Chafin Street,  
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Addie Garland, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

*James Bixby*  
Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR 2921

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1906.

Alice Ely,  
718 E. Chafins Street,  
Sherman, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the petition filed in this office June 26, 1906, by J. O. Pool, Attorney, praying for a re-opening and re-adjudication of the consolidated Mississippi Choctaw case of Addie Garland, et al.

Respectfully,



Commissioner.

No. 211

For Identification as a Mississippi Choctaw.

Date JUL 11 1901

Name Alice Ely

Age 32 Blood 1/8

Post Office, Sherman, Texas. 7186 Chap. 5 M.

Father: John Inman (dead)

Mother: Sarah Inman

Claims through mother

husband: Levi Ely (dead)

Children:

Lela Ely 16

Claims for self and one child

Stenographer

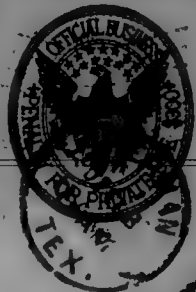
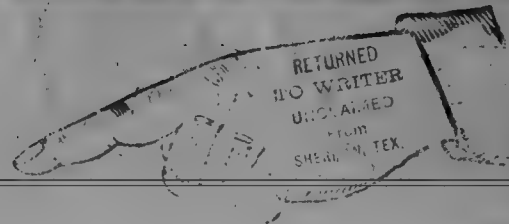
Henry G. Hains.

DEPT. OF  
COMMERCE  
F. I. C.

DEC 10 1911

Department of the Interior.

Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



2961  
Alice Ely,

718 E. Chafirs Street,

Sherman, Texas.



Alice Ely et al  
2920

REFUSED

PROVISIONAL FEB 1 1903

MAILED APPLICANT.

FEB -6 1903

FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

FEB 24 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APP 20 1903

DEPARTMENTAL ACTION  
FOR CHOCTAW AND CHICKASAW NATIONS.

APR 30 1903

DEPARTMENTAL ACTION  
MAILED APPLICANT.

REFER TO M. C. R. 8

Choctaw MCR 2922

Zura Fish

MCR 2922

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Zura Fish for  
identification as a Mississippi Choctaw, M C R 2922.

List of papers forwarded to Secretary of the Interior  
comprising the record in above entitled case.

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Original application of Zura Fish to the Dawes Commission for identification as a Mississippi Choctaw.....	1
Affidavit of John Lewis.....	5
Affidavit of John Albertson.....	6
Decision of the Commission refusing the application of Zura Fish, applicant for identification as a Mississippi Choctaw.....	7

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 11, 1901.

2922

In the matter of the application of Zura Fish for identification as a Mississippi Choctaw.

Zura Fish being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Zura Fish.  
Q Spell it? A Z-u-r-a F-i-s-h.  
Q What is your age? A Twenty.  
Q What is your post office address? A Sherman, Texas; 919 E. Cherry St  
Q Are you married? A No.  
Q How long have you lived in Sherman? A Seven years.  
Q Where did you live before that? A Tennessee.  
Q How long did you live in Tennessee? A I was born and raised there and lived there until I came to Sherman seven years ago.  
Q Never had a home except in Tennessee and Texas? A No.  
Q What is your father's name? A G.N. Fish  
Q Is he living? A No.  
Q What is your mother's name? A Emeline Fish.  
Q Is she living? A No.  
Q Through which one of your parents do you derive your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A One half.  
Q Has your father through you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Was your father a full blood Choctaw Indian? A Yes.  
Q Have you any evidence of that? A Nothing only what my grandmother taught me.  
Q Is there anybody living who knew him? A I have uncles living on my father's side.  
Q Did they know your father and that he was Choctaw Indian?  
A I suppose so.  
Q What was your mother? A A white woman.  
Q Were your father and mother married? A Yes.  
Q Have you any evidence of that fact? A Yes; my uncle and grandmother told me that.  
Q But have you no marriage license or certificate or any evidence of that fact? A No.  
Q Where were they married? A In Tennessee.  
Q How long ago? A I don't know how long it has been.  
Q Are you the only child? A No, I have one brother.  
Q Older than you? A No, he is younger.  
Q Have you any idea how long ago your father and mother were married?  
A No.  
Q Do you know whether they got a license and certificate? A No, I don't know for sure.  
Q Can you get any evidence of his marriage? A Well, I can write back to my uncle.

It will be necessary for the Commission to be supplied with evidence of your parents' marriage in support of the application you make. If you cannot get the marriage license and certificate or certified copies thereof for any good reason, the Commission will accept the affidavits of two disinterested parties who were present at the marriage of your father and mother.

Q You say your father was full-blood Choctaw? A Yes.  
 Q And you are a half white and half Choctaw? A Yes.  
 Q Are you married? A No.  
 Q Making this application for yourself alone? A That's all.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
 Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.  
 Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.  
 Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
 Q Is this the first application you have ever made of any description? A Yes., this is the first.  
 Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.  
 Q How do you claim your right to identification as a Mississippi Choctaw? A Because I have always been taught that I was Choctaw.  
 Q You are claiming then because you have been taught that you have Choctaw blood? A Yes.  
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A The treaty of 1830/  
~~Under the whole treaty under the whole treaty?~~  
 Q What do you claim under that treaty? A That I belong to the Mississippi Choctaw.

The law which gives the Commission the right to hear these applications authorizes it to identify those applicants who claim, under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Indians for the purpose of removing them from the State of Mississippi to the country West of the Mississippi River and give them lands here in exchange for their lands in Mississippi, so that the State of Mississippi could be thrown open to white settlement; but no treaty could be made with the Choctaws until some provision was made for those Indians who didn't want to come West- so article fourteen was made a part of the treaty for the benefit of those Choctaw who wanted to stay in Mississippi; and after that article was put into the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become citizens of the United States shall be permitted to so do by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States in that case a grant in fee simple shall issue- for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that if those Indians who didn't

want to come West would go to the Indian agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and become citizens of the United States they could receive land there in Mississippi from the Government for the lohemshaves and their children and in doing this they would not lose the privilege of Choctaw citizens, but if they ever removed were not to receive any portion or part of the Choctaw yearly payments of money.

Q Do you claim anything under this article? A I don't know.

Q Well, have you no other claim that you have always been taught that you have Choctaw blood? A No.

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q You know what is meant by benefits? A Yes.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A No.

Q What was the name of your ancestor or ancestors who lived in Mississippi in 1830 and were recognized members of the Choctaw tribe when this treaty was made? A I don't know that I had any that lived there; I don't know any of my father's people, only what my grandmother told me on my mother's side.

Q Did she know your father personally? A Yes. Q Do you know what your father's father's name was? A No.

Q Do you know what his mother's name was? A No.

Q Do you know if your father ever lived in Mississippi? A No, I don't.

Q Did your father ever have any Choctaw name? A Fish.

Q Well that is English, isn't it? A Fish?

Q Yes. A Not that I know of.

Q How long has your father been dead? A Well, he died when I was young, I can't remember anything about it.

Q Do you know how old he was when he died? A No.

Q Do you know anybody living who knew your father and could testify whether he lived in Mississippi in 1830? A No.

Q Or whether he was living in 1830 or not? A No.

Q You said your uncle might know? A Yes.

Q How old a man is your uncle? A I expect he is about fifty now.

Q Well, he wasn't living in 1830, then? A Fifty or sixty. I don't know exactly how old he is.

Q He might know your father and whether he looked to be Choctaw but he would not know whether your father was living in 1830 or where he was living at that time? A I don't know.

Q What is your uncle's name? A Beauregard Brown.

Q Could you get his testimony? A Yes I could by writing back to Tennessee.

Q Could you get him to come here before the Commission and testify? A No.

Q Why can't you get him to come? A Cause he wouldn't come out here I am satisfied.

Q Could you get his deposition? A Yes, I think I can.

Q If you never knew your father, you don't know, then, if he went to the Indian agent there in Mississippi within six months after the treaty of 1830 was made and told him he didn't want to come West but wanted to stay and become a citizen of the United States? A No.

Q Do you know whether he came West with the other Indians from 1833 to 1838? A No.

Q Do you know whether any of your ancestors ever claimed or received any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No.

Q Do you know if any of them ever owned any land which they received from the Government under the treaty of 1830? A No.

Q Do you know of anybody living who would be able to testify about that matter? A No, I don't.

4--

Q Is there anything else you would like to say at this time? A No, I suppose not.

Q Have you any documentary evidence, any papers of any kind, affidavits-  
A I haven't any.

Should you desire to offer any further evidence in support of your application wither the oral testimony of witnesses, their depositions or affidavits, you will be permitted to do so by ~~signifying~~ and the same will be made a part of the records in your case.

The applicant in this case has straight black hair and black eyes and brown complexion; her cheek bones are rather prominent, her nose straight; she doesn't know her ancestors; she has no remembrance of her father, and does not know from family history the name of his father and mother. She does not know whether he or any of his ancestors lived in Mississippi in 1830.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language.

Q You don't know whether your father spoke it or not? A No, I don't know.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above antitled cause on July 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*R. W. Linebaugh*

Notary Public.



*Chas. Cow.*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Ezra Fish for  
identification as a Mississippi Choctaw, M C R 2922.

--: D E C I S I O N :--

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commis-  
sion by Ezra Fish for herself, under the following provision of  
the act of Congress approved June 23, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior".

It also appears that said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, by reason of being



-2-

a descendant of one G. M. Fish, who is alleged to have been a full blood Choctaw Indian.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 821).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said G. M. Fish, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sura Fish, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION ON THE FIVE CIVILIZED TRIBES.

APPROVED

Wm. D. Doby.

Acting Chairman.

APPROVED

I. B. Needles.

Commissioner.

APPROVED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 6 1902

Muskogee, Indian Territory, July 25, 1901.

Zura Fish,

919 E. Cherry Street,  
Sherman, Texas,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of John Lewis and John Albertson, offered for filing in support of the application of Missouri Fish for identification as a Mississippi Choctaw. It is supposed that you are the person to whom these affidavits refer, as you gave your name as Zura Fish, and there is no other person by the name of Fish on our records as an applicant for identification as a Mississippi Choctaw. They have therefore been filed in this case.

Yours truly,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Zura Fish, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zura Fish, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James B. Fisher*

Acting Chairman.

Muskogee, Indian Territory, December 6, 1902.

Zura Fish,  
919 E. Cherry St.  
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Zura Fish, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Zura Fish, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the

-2-

case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

YED.

*Tamie Bixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Zura Fish, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED.

*Tame Dixby.*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Ins. E.C.R. 2922.

( C O P Y )

Refer in reply to the following:  
Land--76191--1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, February 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Zura Fish, for identification as a Mississippi Choctaw, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The applicant herein bases her claim to identification on her descent from her father, G. M. Fish, who is alleged to have been a full-blood Choctaw Indian, but who it is not claimed lived in the Choctaw Nation, in Mississippi in 1830. The applicant does not know the name of an ancestor more remote than this G.M. Fish, her father, nor if any ancestor complied or attempted to



2.

comply with the provisions of article 14 of the treaty of 1830.

The Commission rejected the applicant December 6, 1902, because the name of G. M. Fish does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to G. M. Fish, and it is discovered that his name does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and as the applicant is unable to give the name of an ancestor other than her father, the office is unable to make an examination as to whether she had such an ancestor who lived in the Choctaw Nation, in Mississippi, in 1830.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

C.T.C.(E).

( C O P Y )

EAF.

DEPARTMENT OF THE INTERIOR,

Washington, March 28, 1903.

ITD. 2498--1903.

DC. 9008--1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification of Zura Fish as a Mississippi Choctaw, including your decision of December 6, 1902, adverse to the applicant.

She claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one G. M. Fish, her father, who is alleged to have been a full blood Choctaw Indian, and to have died many years ago.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said G. M. Fish complied or attempted to comply with said article 14 or with

2.

either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 28, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The Department has reviewed the whole record and, finding no reason to modify your decision, hereby affirms the same.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M C R 2922

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Zura Fish, of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED):

*C. R. Brockinridge*  
Commissioner in Charge.

M.C.R 2922.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Zura Fish,  
919 E Cherry St.,  
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*  
Commissioner in Charge.

No.

For Identification as a Mississippi Choctaw.

Date JUL 11 1900

Name *Zura Fish*

Age *20* Blood *1/2*

Post Office, *914 E. Cherry St.*  
*Sheridan, Texas*

Father: *G. W. Fish (dead)*

Mother: *Corneline Fish (dead)*

Claims through *father*

~~Children:~~

*Claims for self alone*

Stenographer

*Henry D. Hains*

Until July, 1st, 1902  
granted, W. A. Koll,  
attorney for applicant  
to introduce additional  
evidence in this case  
on order of Dennis Bieby

JUN -3 1902

2922  
Jura Fish

REFUSED

DECISION RENDERED. DEC 6 1902

NOTICE OF DECISION MAILED APPLICANT. DEC 6 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 6 1902

RECORD FORWARDED DEPARTMENT. DEC 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 28 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT. APR 7 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 7 1903



Choctaw MCR 2923

Elizabeth Littlejohn

See MCR 1524, 2811, 2810, 2812  
2813, 2814, 2815, 2816, 4060

MCR 2923

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Elizabeth Littlejohn, et al., for identification as Mississippi Choctaws, consolidating the applications of

Elizabeth Littlejohn.....	M.C.R. 2923
Washington Goff, et al.....	M.C.R. 1524
Eliza Goff, et al.....	M.C.R. 2811
William Goff.....	M.C.R. 2810
Green Goff, et al.....	M.C.R. 2812
Leila Goff.....	M.C.R. 2813
Werner Lockhart.....	M.C.R. 2814
Andersen Goff.....	M.C.R. 2815
Carrie Bailey, et al.....	M.C.R. 2816
Annie Williams, et al.....	M.C.R. 4060.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of  
Elizabeth Littlejohn, et al.

Original application of Elizabeth Littlejohn, to the Dawes Commission for identification as a Mississippi Choctaw.....	1
Affidavit of Washington Goff.....	7
Affidavit of Elizabeth Littlejohn.....	8
Certified copy of the affidavit of Albert York.....	9

(a).

Certified copy of the affidavit of Austin White.....	10
Original application of Washington Goff, et al., to the Dawes Commission for identification as Mississippi Cheetaws.....	11
Testimony of Elizabeth Littlejohn.....	15
Affidavit of Albert York.....	18
Affidavit of Elizabeth Littlejohn.....	19
Joint affidavit of William and Jane Littlejohn.....	20
Certified copy of the affidavit of Albert York.....	21
Certified copy of the affidavit of Austin White.....	22
Affidavit of Austin White.....	23
Affidavit of Albert York.....	24
Affidavit of Washington Goff.....	25
Original application of Eliza Goff, et al., to the Dawes Commission for identification as Mississippi Cheetaws.....	26
Testimony of Elizabeth Littlejohn.....	29
Certified copy of the affidavit of Austin White.....	32
Certified copy of the affidavit of Albert York.....	33
Affidavit of Elizabeth Littlejohn.....	34
Affidavit of Washington Goff.....	35
Original application of William Goff to the Dawes Commission for identification as a Mississippi Cheetaw.....	36
Testimony of Elizabeth Littlejohn.....	39
Affidavit of Washington Goff.....	42

(3).

Affidavit of Elisabeth Littlejohn.....	43
Certified copy of the affidavit of Albert York.....	44
Certified copy of the affidavit of Austin White.....	45
Original application of Green Goff, et al., to the Daves Commission for identification as Mississippi Cheetaws.....	46
Testimony of Elisabeth Littlejohn.....	49
Affidavit of Washington Goff.....	52
Affidavit of Elisabeth Littlejohn.....	53
Certified copy of the affidavit of Albert York.....	54
Certified copy of the affidavit of Austin- White.....	55
Marriage license and certificate of Green Goff and Arthusia Minter.....	56
Original application of Leila Goff to the Daves Commission for identifica- tion as a Mississippi Cheetaw.....	57
Testimony of Elisabeth Littlejohn.....	60
Affidavit of Elisabeth Littlejohn.....	63
Affidavit of Washington Goff.....	64
Certified copy of the affidavit of Austin White.....	65
Certified copy of the affidavit of Albert Yerk. ....	66
Original application of Nerher Leckhart to the Daves Commission for identifica- tion as a Mississippi Cheetaw.....	67
Testimony of Elisabeth Littlejohn.....	73
Certified copy of the affidavit of Washington Goff.....	76
Affidavit of Elisabeth Littlejohn.....	77

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Certified copy of the affidavit of Albert York.....	78
Certified copy of the affidavit of Austin White.....	79
Original application of Anderson Goff to the Dawes Commission for identification as a Mississippi Choctaw.....	80
Testimony of Elizabeth Littlejohn.....	84
Certified copy of the affidavit of Austin White.....	87
Certified copy of the affidavit of Albert York.....	88
Affidavit of Elizabeth Littlejohn.....	89
Certified copy of the affidavit of Washington Goff.....	90
Original application of Carrie Bailey, et al., to the Dawes Commission for iden- tification as Mississippi Choctaws.....	91
Testimony of Elizabeth Littlejohn.....	95
Affidavit of Elizabeth Littlejohn.....	98
Original application of Sie Williams for the identification of his minor children as Mississippi Choctaws.....	99
Decision of the Commission denying the applications in the consolidated case of Elizabeth Littlejohn, et al., for identifi- cation as Mississippi Choctaws.....	100.

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. Ju ly 12, 1901.

2923

In the matter of the application of Elizabeth Littlejohn for identification as a Mississippi Choctaw.

Elizabeth Littlejohn being duly sworn testified as follows :

Examination by the Commission:

- Q What is your name? A Lizzie Littlejohn.
- Q Do you give your name as Lizzie or Elizabeth? A They generally calls me Lizzie but my right name is Elizabeth.
- Q What is your age? A I don't know what my age is.
- Q Do you know about how old you are? A No, I can't tell.
- Q How old were you when the war between the North and South broke out?
- A I don't know.
- Q Do you remember when the war broke out? A The Civil War?
- Q The war when they freed the slaves? A Yes.
- Q How big a girl were you then? A I was the mother of children then.
- Q About how old was your oldest child? A That's my oldest child. (She points to the child in the crowd.)
- Q How old was he when the war broke out? A I can't tell.
- Q About how old were you when the stars fell? A Like last night and this morning? I was told I was eight years old; they said I was eight years old the next morning after the stars fell; I can't write I can't read and I can't do nothing but it looks like if you knows when the stars fell you could get it. When the stars fell I was lying in bed eating ginger cake.
- Q What is your post-office address? A Paris I suppose.
- Q What is your home? A De Kalb, Bowie County, Texas.
- Q How long have you lived in Texas? A I don't know. I can't keep a remembrance of the years; when I come to Texas I was the mother of three children, I know I was the mother of-- (Here a son interrupts and says they came to Texas in '52.)
- Q Where did you live before you lived in Texas? A Mississippi.
- Q How long did you live in Mississippi? A When I came to Mississippi I was a small young one.
- Q Was that before the stars fell? A No, when the stars fell I was in Virginia, where I was bred and born when the stars fell.
- Q How long after that was it when you went to Mississippi?
- A A good many years- I was a grown girl.
- Q You said a few minutes ago that you were a little girl? A No, I said I wasn't of age, but I was a good sized girl when I went to Mississippi.
- Q Were you born in Virginia? A Yes.
- Q And you went from there to Mississippi? A Yes.
- Q And came from Mississippi to Texas direct? A Yes.
- Q And you have lived in Texas ever since? A Yes, ever since I came from Mississippi I have lived in Texas.
- Q What is your father's name? A Octavius Harvey.
- Q Is he living? A No, he is dead; father and mother is both dead, and I don't know as there is anybody living in the family but me.
- Q What is your mother's name? A Mary Harvey.
- Q She is dead too, you say? A Yes.
- Q Through which one of your parents do you derive your Choctaw blood?
- Q My mother. My father has it- appeared like he was full blood Indian and my mother was only half Indian I reckon.
- Q Well, I asked you which one of your parents you claimed through?
- A Both of them had Choctaw in them.

Q Well do you claim through both? A Both of them had Choctaw blood in them; my father looked like Tubby.

Q You say you think your father was a full blood? A Yes he looks like to me he was full blood; I say he looked so to me.

Q How much Choctaw blood did your father claim to have? A He never claimed to have any- to me, he died before I was big.

Q What was your mother's other blood beside Choctaw? A I don't know.

Q Was it white? A Was it white; I reckon so, that's what they tells me, that she had a little white and she had more Choctaw than white, I don't know which, I am just going by what I was told, I don't know.

Q Was your mother ever a slave? A No; when my mother died she give me to a white woman to raise so I was told. And begged her to raise me up, take care of me, that's what the woman told me that raised me.

Q Were you ever a slave? A No, I never was a slave.

Q How much Choctaw blood do you claim to have? A I don't know how much I have got in me; my mother and father knows that; but everybody says from the looks of me I have got a good deal of it in me which comes from my father's and mother's side both.

Q Were your father and mother ever enrolled by the Choctaw tribal authorities or recognized? A No, not as I knows of.

Q Are you married? A Now? A Yes I am.

Q What is your husband's name? A Moses Littlejohn.

Q Is he living? A Yes.

Q Do you make any application for him? A I don't know, they never said anything to me about it.

Q Is he Choctaw? A No.

Q What is he? A African, I reckon.

Q Do you make any claim for him? A If it is right.

Q What do you claim for him? A If there is anything coming to him, of course it would be as much good for him as me.

Q Well, if he hasn't any Choctaw blood how do you claim? A Well, he aint looking for anything, and I don't suppose to get anything for him.

Q Do you make any application for him then? A I don't know; just for myself.

Q You are making application just for yourself? A Yes.

Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to apply? A I have got six children with that boy sitting there and they are all married.

Q You are making this application then just for yourself? A Yes.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A No; I don't know whether it is or not.

Q Did you ever live in the Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No, this is the first I have had anything to do with; I never was told.

Q Did you or anybody for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No.

Q Is this the first application of any kind you have ever made? A Yes.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified as a Mississippi Choctaw? A Well, I have got Indian in me and it looks like I ought to have a right in the Choctaw Nation.



Q You are claiming now because you have Choctaw blood? A Yes.  
 Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A No, I aint never made none.  
 Q Well, do you make any claim now under any of the treaties between the United States and the Choctaw Indians? A Yes, I ought to make some.  
 Q What treaty do you claim under? A Choctaw nation.  
 Q Do you claim under any special between the United States and the Choctaw Nation? A No, it aint appeared to me.  
 Q Well, what makes you think you have a right to come here now to be identified as a Mississippi Choctaw? A Cause they told me I had to claim from her and I ought to come here and get it; I had white people to tell me that.

The law which gives the Commission authority to hear applications for identification as Mississippi Choctaws gives it the power to identify those applicants who claim under the fourteenth article of the treaty of 1830.

In 1830 the United States wanted to make a treaty with the Choctaw Nation, those Indians who lived in Mississippi then, so that they could move the Indians to the country West of the Mississippi River, and give them lands here in exchange for their lands in the State of Mississippi and they couldn't make any treaty with the Indians until some provision was made for those Indians who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of those Indians who didn't want to come West into the new country. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that if there were any of those Indians who didn't want to come West of the Mississippi River they could stay in Mississippi and receive land there for themselves and their children if they went to the Indian agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States and if they stayed there five years they would get a title or deed to the lands they received from the Government; the article provided that if they did this they would not lose the privilege of Choctaw citizenship but if they ever removed were not to receive any part of the Choctaw yearly payments of money.

Q Do you claim anything under this treaty, this article? A Yes, I would like to claim something if it is right to do so.  
 Q Do you claim now because of the provisions of that article which I have just read and explained to you? A I said I would like to have a claim if it is right to have it.  
 Q Do you claim your right now because partly of the provisions of that article which I have just explained to you? A Yes, I claim here.  
 Q I want to know if one of the reasons why you are making claim now is because of that fourteenth article of the treaty of 1830 which I have just tried to explain to you? Is that one of the reasons why you are claiming now? A Yes, that's the reason I am claiming now.



Q Have you ever received any benefits as a Choctaw Indian? A No, I never received anything.

Q Do you know what is meant by benefits? A Well, its land or money or what?

Q Well, that's about what it is. A I haven't received a thing.

Q Benefits means whatever is going to do you good. A I haven't.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Nothing that I knows.

Q Do you know what is meant by the word ancestor? A What?

Q Well it means your father or mother, grandfather or grandmother, great grandfather or mother, any of your foreprents; did any of them ever receive any benefits as Choctaw Indians? A Not as I knows of, I can't tell you a thing.

Q Did you ever hear that they did? A No.

Q What was the name of your ancestor or ancestors who lived in Mississippi or Alabama in the old Choctaw nation there and were acknowledged members of the Choctaw tribe when the treaty was made? A Well, I don't know anything about these treaties, I don't know anything about it being made; I knew a good many Choctaws in Mississippi.

Q Did any of your ancestors ever live in Mississippi? A Yes, I think there is a good many of them lived there.

Q Did your father Octavius Harvey, live there? A No, he was in Virginia among the Indians there; there's where I was born.

Q Were there Choctaw Indians in Mississippi? A Yes, plenty of them.

Q Did your mother ever live in Mississippi? A No, they died in Virginia both of them.

Q What was your father's name? father's name? A I don't know.

Q Did you ever hear? A No, I reckon it was Harvey.

Q What was his first name? A I don't know; it must have been Harvey I don't know what his given name was.

Q Do you know what your father's mother's name was? A No, I don't know what none of my father's name was outside of my father and mother.

Q Don't you know what your mother's father's nor your mother's mother's name was? A No.

Q You don't know whether they are all Indians or not? A No, I can't tell the truth I don't know nothing about none of them only what my people told me.

Q And your people never told you what their names were? A No, you see another woman raised me and we all came from Virginia to Mississippi and they didn't never tell me; they didn't take any pride in teaching me anything.

Q Were you raised by white people? A No, by a colored lady.

Q Did you have any colored blood in you? A I reckon I do; yes; I don't know; I don't know what my father and mother had; I reckon if they had any in them I had it too; I don't know as I had any kind of people but my father and mother.

Q Did you say you were pretty well grown when you moved to Mississippi

A Yes, I was along about seventeen.

Q Is there anybody living who knows anything at all about your parents;

A Nobody I knows of, cause the people's all died out.

Q You don't know then, whether your father went to the Indian agent there in Mississippi in 1830 and told him that he wanted to stay in Mississippi and take land there? A No.

Q You say that he didn't live in Mississippi at all? A No, when I come to my knowing anyone he was in Virginia; I was born in Virginia.

Q About how old were you when he died? A My mother told me soon after I was born.

Q How old were you when your mother died? A I don't know, as I was girling then; they told me that my mother died soon after I was born.

Q Do you remember your father at all? A No, don't know nothing about him.

Q Don't know when he died? A No.

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Q I thought you said a while ago that your father looked to you like a full blood? A Well, if I did say it I said more than what I ought to have said for I don't know nothing about him.

Q So you don't know how he looked? A No.

Q You don't remember ever having seen him? A No.

Q You don't think, do you, if your father died when you were very small, that he came West when the other Indians came between 1833 to 1838? A No, I don't know; all I can tell you, they told me my father was Indian full blood and my mother was half; they said my father looked to them like he was a full-lood and mother had a good deal of Indian in her- I suppose about like me.

Q Do you know if your ancestors ever claimed or received any land in Mississippi under the fourteenth article of the treaty of 1830? A No.

Q Do you know if any of them ever owned any land which they received from the Government under the treaty of 1830? A Not as I knows of.

Q Did any of them ever get any scrip--? A Not as I knows of.

Q Is there anything else that you would like to say now about your application; anything else you know that have not been asked you about your people? A No, I don't know as there is anything else that I

recollect of. Q You say you don't know of anybody living who could tell the Commission anything about your parents? A No, I can't tell of anybody at all- that he died; I don't know of any person living that could witness me or anything I have got to say.

Q Have you any papers that you want to file now? A No, I haven't any papers at all.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits the Commission will accept the same and make it a part of the records in your case.

Q Do you understand that? A No, please explain it to me.

Q Well, it means that if you find out that there is anybody living who knows anything about you and your people whether they lived in Mississippi and whether they were Choctaw Indians and went to the Indian agent there in Mississippi and told him that they wanted to stay in Mississippi; and you know these people and could bring them before the Commission or get depositions or affidavits, the Commission will accept that and make it a part of the record in your case; do you understand it? A Yes, but I never will find anybody else that will witness for me. If my talking don't do me any good, nobody can do me any good.

This applicant has slightly curly gray hair which looks as if it might have been black. She has copper colored skin, high cheek bones straight prominent nose and looks as though she might be at least a half blood Indian. Slight traces of negro blood are indicated by her curly hair but are not noticeable in her other features.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She does not know her ancestors and does not even have any knowledge of her father and mother; it appears from her statement that they died in the State of Virginia, and she does not know that they ever lived in Mississippi.

Henry G. Hains being duly sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Henry G. Hains*

Subscribed and sworn to before me this 17 day of August, 1901.

*W. H. Hinebaugh*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Atoka, I.T. July 12, 1901.

TESTIMONY OF ELIZABETH LITTLEJOHN IN

In the matter of the application of Washington Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. March 15, 1901. M.C.R. 1524.

In the matter of the application of William Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2810.

In the matter of the application of Eliza Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2811.

In the matter of the application of Green Goff et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 2, 1901. M.C.R. 2812.

In the matter of the application of Lula Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 2, 1901. M.C.R. 2813.

In the matter of the application of Norher Lockhart for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2814.

In the matter of the application of Anderson Goff for identification as a Mississippi Choctaw, heard at Atoka, I.T. July 3, 1901. M.C.R. 2815.

In the matter of the application of Carrie Bailey et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. July 3, 1901. M.C.R. 2816.

Elizabeth Littlejohn being called and sworn as a witness, in these cases testified as follows on behalf of applicants:

Examination by the Commission.

- Q What is your name? A Dizzie Littlejohn; Elizabeth Littlejohn; they call me Lizzie for short, but my right name is Elizabeth.
- Q What is your age? A I don't know my right age; I am long about 60 or 70 though.
- Q How old were you when the stars fell? A They told me I was eight years old.
- Q What is your post office address? A DeKalh, Bowie County, Texas? A Yes.
- Q Do you know Washington Goff? A That's my son.
- Q Norher Lockhart? A My grand daughter.
- Q Anderson Goff? A Yes.
- Q Green Goff? A Yes.
- Q William Goff? A Yes.
- Q Carrie Bailey? A Yes.
- Q Lula Goff? A Yes.
- Q Eliza Goff? A Yes.
- Q What relation was Washington Goff to you? A My son; my first child.
- Q What relation are all these others? A My grand children.
- Q Whose children are they? A Washington Goff's children is my grand children.
- Q Are these all the children of Washington Goff? A Yes, they all is his own true grown children.

- Q What is Washington Goff's father's name? A Nelson Hughes; that's right; the Goff name is only a nick name they give him; the Goff name is.
- Q These others are the children of Washington Goff? A Yes.
- Q What is their mother's name? A Hulda Ann.
- Q Hulda Ann Goff? A Yes.
- Q What was she? A What do you mean by what is she?
- Q I mean was she Indian? A No, she ain't got any Indian blood in her.
- Q Well, what was she? A I don't know what she was; whether she was part negro or not.
- Q Was she white? A No, ginger-cake color.
- Q And these children of Washington Goff are your grand children? A Yes.
- Q Washington Goff gets his Indian blood through which one of his parents? A Only me I guess.
- Q What was his father? A His father might be, might have had a little Indian in him; he was a little brighter than I am: only a little.
- Q What blood did Nelson Hughes have. A He was darker than Washington Goff.
- Q Was he a negro? A He went for a negro; he wasn't out and out, I think he had some other blood in him.
- Q Was he a slave? A I don't think so; he wasn't.
- Q And these children of Washington Goff get their Choctaw blood through him and then through you? A Yes.
- Q And what relation would your father be to these children of Washington Goff? A Grandfather.
- Q What relation would your father be to Washington Goff? A Grandfather.
- Q Well, then, what relation would your father be to these children of Washington Goff? A Grandfather.
- Q Well, your husband would be their grandfather wouldn't he?
- A Yes, you asked that didn't you?
- Q No, I asked you what your father would be to them? Wouldn't your father be Washington Goff's grandfather? A I reckon so; of course he would.
- Q What relation would he be to Washington's children then? Wouldn't they be his great grandchildren? A Yes, I suppose so.
- Q They get their Choctaw blood from your father or your mother?
- A I reckon they would get a little of it from my father and my father's wife, their great grandfather and great grandmother. I reckon it would be mixed that way.
- Q What was your father's name? A Octavius Harvey.
- Q What was your mother's name? A Mary Harvey.
- Q And these childre, Washington Goff, and his children, get their blood through Octavius Harvey and Mary Harvey? A Yes.
- Q Did you know Octavius Harvey and Mary Harvey? A No; I don't know them; they both died before I could recollect.
- Q You never saw them that you can remember? A No; I might have seen them but I wasn't old enough to remember.
- Q Were they Choctaw Indians? A Yes; they said they were, I have to go by what I was told, cause I wasn't old enough to know ~~nothing~~ nothing about it.
- Q Did either one of them live in Mississippi in 1830? A No; they didn't nary one of them live in Mississippi; they lived and died in Virginia.
- Q Do you know the name of Octavius Harvey's father? A No, I don't know the name of him; he must have went by his own father's name.
- Q You don't know ~~the~~ his given name? A No.
- Q Do you know the name of Octavius Harvey's mother? A No.
- Q Do you know the name of Nelson Hughes father? A No.
- Q Do you know the name of Nelson Hughes mother? A No.
- Q Do you know whether they ever lived in Mississippi? A If they did I don't know it; I never did know anything about it; I know they did not live in Mississippi 'cause they told me they died in Virginia.

- Q Did you say you knew whether Octavius Harvey or Mary Harvey went to the Indian agent there in Mississippi in 1830 and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know anything about that.
- Q Do you know whether they came West with the other Indians to the present Indian Territory between 1833 and 1835? A No, I know they didn't 'cause I know when the Indians came from the nation over here and they didn't come with them.
- Q Where were you then? A I was in Mississippi then.
- Q Were they living then? A No. They were not.
- Q About how old were you then? A I don't know how old I was when the Indians came from Mississippi here, I was the mother of one child and that's him standing there.
- Q About how old were you when you were married? A I reckon I was 18; maybe a little older, 18 or 19.
- Q Well, was that when all the Indians came from Mississippi over here when the United States moved them? A I don't know anything about the United States moving one- Captain Lucky and Captain Foster I know they was- two men was with them when they came over here.
- Q Did you go to the Indian agent there in Mississippi and tell him that you wanted to stay in Mississippi and take land and become a citizen of the United States? A No; I didn't know nothing about it; I knew we was all Indians back among the Indians.
- Q Did anybody go for you? A I don't know as any of them took any interest in me at all.
- Q Did you have any Choctaw name? A They always took me and told me I was kin to them.
- Q Did you ever have any other name- any Choctaw name? A No, they didn't give me any name; they used to call me "Ches", and said I was kin to them; I used to get mad at them when they told me. (To Washington Geef)
- Q Is there anything more you would like to have brought out through your mother? A I don't know; it seems she can't remember.  
(Witness excused)

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on July 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains  
Sept

Subscribed to and sworn to before me this 14 day of August, 1901.

Wm. Shelby  
Notary Public.



Amu!  
J.R.B.  
C. - W

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;

In the matter of the application of Elizabeth Littlejohn, et al., for identification as Mississippi Choctaws, consolidating the applications of

Elizabeth Littlejohn.....	M.C.R.	2923
Washington Goff, et al.....	M.C.R.	1524
Elisa Goff, et al.....	M.C.R.	2811
William Goff.....	M.C.R.	2810
Green Goff, et al.....	M.C.R.	2812
Leila Goff.....	M.C.R.	2813
Norher Leckhart.....	M.C.R.	2814
Anderson Goff.....	M.C.R.	2815
Carrie Bailey, et al.....	M.C.R.	2816
Annie Williams, et al.....	M.C.R.	4060.

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Elizabeth Littlejohn, for herself; by Washington Goff for himself and his three minor children, Lillie, Nathaniel and Cornelius Goff; by Elisa Goff for herself and her five minor children, Christopher White, Maria White, Krujah White, Birdie White and McKinley

(2).

White; by William Goff for himself; by Green Goff for himself and his five minor children, William Wesley, Walter Anderson, Verner, Maysee and Godfrey Goff; By Leila Goff for herself; by Norher Leckhart for herself; by Anderson Goff for himself; by Carrie Bailey for herself and her two minor children, Eddie and Joyce Bailey; and by Sie Williams for his two minor children, Annie and Fannie Williams under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Octavius (or Octavos or Oktiviah or Oktovich) Harvey or Octiviah Harvish, who is alleged to have been a fullblood Choctaw Indian, and Mary Harvey, who is alleged to have been a halfblood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe,



or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Octavius (or Octaves or Oktiviah or Oktaviah) Harvey, or Oktiviah Harviah, or Mary Harvey, or a less remote ancestor of any of the applicants herein, or any of said applicants, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Brufah White, Birdie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Hayson Goff, Godfrey Goff,

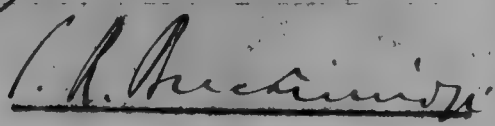
(4).

Leila Goff, Norher Leckhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
ACTING CHAIRMAN.

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

Muskogee, Indian Territory,

SEP 4 1902

Muskogee, Indian Territory, July 20, 1901.

Elizabeth Littlejohn,  
DeKalb, Texas,

Madam:

Receipt is hereby acknowledged of your letter of July 13, inclosing the affidavits of Elizabeth Littlejohn and Washington Goff, and certified copies of the affidavits of Albert York and Austin White, which you ask to have filed in support of your application for identification as a Mississippi Choctaw. The same have been made a part of the records in your case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 1, 1901.

Mr. Henry Byington,

Caddo,

Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, with which you enclose the affidavits of Albert York and Austin White, offered for filing in support of the application of Elizabeth Littlejohn for identification as a Mississippi Choctaw.

The same have been filed with the other records in this case, and will receive consideration in the disposition of this application.

Yours truly,

M.C.2923.

COPY.

M.C.R. 2923.

Muskogee, Indian Territory, September 4, 1902.

Elizabeth Littlejohn,

DeKalb, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

E.L. #2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Maria White, Erujah White, Virale White, McInley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Weyson Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Rode Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tame Dinty*

. Acting Chairman.

Registered.

M.C.R. 2923.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Henry Wyington,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi

Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2810
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands un-

H.B. #2.

der, article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary there to, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, William Goff, Christopher White, Maria White, Ernjah White, Birdie White, McKinley White, William Goff, Green Goff, Willie Wesley Goff, Walter Anderson Goff, Verner Goff, Weyden Goff, Godfrey Goff, Leila Goff, Norber Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joice Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*Tamm Dixby.*

Acting Chairman.

Registered.



COPY.

M.C.R. 2923.

Muskogee, Indian Territory, September 4, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Littlejohn, et al., embracing the following applications for identification as Mississippi

Choctaws:

Elizabeth Littlejohn,	M.C.R. 2923
Washington Goff, et al.,	" 1524
Eliza Goff, et al.,	" 2811
William Goff,	" 2310
Green Goff, et al.,	" 2812
Leila Goff,	" 2813
Norher Lockhart,	" 2814
Anderson Goff,	" 2815
Carrie Bailey, et al.,	" 2816
Annie Williams, et al.,	" 4060.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

M. M. & C. #2.

Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Littlejohn, Washington Goff, Lillie Goff, Nathaniel Goff, Cornelius Goff, Eliza Goff, Christopher White, Virie White, Judah White, Sidrie White, McKinley White, William Goff, Green Goff, William Wesley Goff, Walter Anderson Goff, Verner Goff, Layton Goff, Godfrey Goff, Leila Goff, Norher Lockhart, Anderson Goff, Carrie Bailey, Eddie Bailey, Joyce Bailey, Annie Williams and Fannie Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James H. Hogg.

Acting Chairman.

M.C.R. 2923.

Muskogee, Indian Territory, September 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted here with the record in the consolidated case of Elizabeth Littlejohn, et al., applications to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 4th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Elizabeth Littlejohn,	M.C.R.	2920
Washington Goff, et al.,	"	1524
Eliza Goff, et al.,	"	2811
William Goff,	"	2810
Green Goff, et al.,	"	2812
Leila Goff,	"	2813
Norher Lockhart,	"	2814
Anderson Goff,	"	2815
Carrie Bailey, et al.,	"	2816
Annie Williams, et al.,	"	4000.

The Commission has the honor to report that the principal

The H. #2.

applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

1896

W. H. H. H.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure.

C O P Y.

,Department of the Interior,

Land  
55820-1902.

Office of Indian Affairs.

Washington,

December 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir :

I have the honor to submit herewith the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties wherein a decision adverse to their claims was rendered by the Commission on September 4, 1902.

Elizabeth Littlejohn for herself; Washington Goff for himself and three children, Lillie, Nathaniel and Cornelius Goff; Eliza Goff for herself and five children, Christopher White, Maria White, Brujah White, Birdie White and McKinley White; William Goff for himself; Green Goff for himself and five children, William Wesley, Walter Anderson, Verner, Mayson and Godfrey Goff; Leila Goff for herself; Norther Leckhart for herself; Anderson Goff for himself; Carrie Bailey for herself and two children, Edie and Joyce Bailey; and by Sie Williams for his two minor children, Annie and Fannie Williams.

It appears from the testimony in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from Octavius Harvey and Mary Harvey his wife, the former being alleged to have been a full-blood Choctaw Indian and the latter a half-blood Choctaw Indian.

-2-

The Commission bases its decision rejecting these parties on the ground that its records fail to show that either Octavius Harvey or Mary Harvey, or any other ancestor less remote, or any of the applicants ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

Upon examination of the records of this office, it does not appear that the names of Octavius and Mary Harvey are among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of her descendants, and the Office recommends that the finding of the Commission rejecting the parties be approved.

Very respectfully,

W.A. Jones,

Commissioner.

E.B.H. Har.

D.C. 24202

C O P Y.

J.W.H

DEPARTMENT OF THE INTERIOR.

FHE

W A S H I N G T O N.

I.T.D. 7419-1902.  
File 896-1898.  
LRS.

December 8, 1902.

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

September 4, 1902, you transmitted the record in the consolidated case involving the applications of Elizabeth Littlejohn for herself; of Washington Geff for himself and three children, Lillie, Nathaniel and Cornelius Geff; of Eliza Geff for herself and her five children, Christopher White, Maria White, Erubah White, Birdie White and McKinley White; of William Geff for himself; of Green Geff for himself and five children, William Wesley, Walter Anderson, Verner, Maysea and Godfrey Geff; of Leila Geff for herself; of Nerher Leckhart for herself and of Anderson Geff for himself; of Carrie Bailey for herself and two children, Eddie and Joyce Bailey, and of Sie Williams for his two minor children, Annie and Fannie Williams, for identification as Mississippi Choctaws, including your decision of said date, which decision was adverse to the applicants.

The principal applicant, Elizabeth Littlejohn, states that she was born in Virginia about 1825; that her parents, Oktovich (Ootives) or Octavius and Mary Harvey, lived and died in that

State, and that she herself moved to Mississippi when she was a young girl. It appears that she had had three husbands, namely; Nelson Hughes, Peter Young and Moses Littlejohn. The other applicants in this case are her descendants.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to show their descent from an ancestor who had complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the provisions of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513), relating thereto. The record, however, fails to show that any of their alleged ancestors so complied or attempted to comply. The records in the possession of the Indian Office fail to show that any one of said alleged ancestors was, or was entitled to be, a beneficiary under the provisions of said article or acts; it can not, therefore be held that these parties are entitled to enrollment as Mississippi Choctaws.

December 2, 1902, the Commissioner of Indian Affairs reporting in the matter, recommended that your action be approved. The Department concurs therein and your decision is accordingly affirmed. A copy of the Commissioner's letter is inclosed

-Respectfully,

Thos. Ryan,  
Acting Secretary.

1 Inclosure.



M.C.R. 2823

COPY

Muskogee, Indian Territory, December 22, 1902.

Elizabeth Littlejohn,

De Kalb, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by registered mail on the 4th day of September, 1902,

Respectfully,

(SIGNED)

*James H. Hasty*  
Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Littlejohn, et al., of which decision you were advised by mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

Octavious Harney, full  
 wife  
 Mary Harney, 1/2  
 dead

mcR  
 2923  
 Elizabeth Harney 79 3/4  
 married  
 ① Nelson Hughes, dead  
 ② Peter Young dead  
 ③ Moses Littlejohn, negro

mcR  
 1524  
 Washington Goff, 63, 1/8  
 wife  
 Hulda Ann Goff, negro

Francis Owens ?

mcR  
 2811  
 Eliza Goff, 34 1/3  
 married  
 Aleck White, negro  
 mcR  
 2819  
 William Goff, 32, 1/4

mcR  
 2812  
 Grem Goff, 30 1/3  
 wife  
 Arthusie Goff, negro

mcR  
 2813  
 Leila Goff, 26 1/3  
 married  
 Joe Deinson

mcR  
 2814  
 Norher Goff, 24 1/4  
 married  
 Ed Lockhart, L

mcR  
 2815  
 Anderson Goff, 23 1/4

mcR  
 2816  
 Carrie Goff, 19, 1/3  
 married  
 Blumie Bailey, negro

mcR  
 1524  
 Lillie Goff, 15  
 Nathaniel Goff, 13  
 Cornelius Goff, 11

George Owens, dead  
 married  
 Sic Williams L

mcR  
 2817  
 Christopher White, 14  
 Maria White, 12  
 Emjah White, 10  
 Birdie White, 9  
 McKinley White, 4

mcR  
 2818  
 William Wesley Goff, 7  
 Walter Anderson Goff, 5  
 Vernon Goff, 3  
 Mayra Goff, 2  
 Gosfrey Goff, 16 d

mcR  
 2816  
 Edie Bailey, 2  
 Joyce Bailey, 7 mos

mcR  
 4660  
 Annie Williams 3 1/2  
 Fannie Williams 3 1/2

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

JUL 12 1901

Name <sup>Elizabeth</sup> ~~Aliza~~ Littlejohn

Age about 19 Blood

Post Office, ~~De Kalb~~, Texas

Father: Octavius Harvey <sup>(dead)</sup>

Mother: Mary Harvey <sup>(dead)</sup>

Claims through both parents.

Husband: Moses Littlejohn  
(no claims for him)

Stenographer

Henry G. Hains.

END  
OF  
ROLL

31

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